

Absent—Excused

Bell	Gilmer
Benton	Harris of Dallas
Boone	Howard
Brawner	Isaacks
Bruhl	King
Burnaman	Little
Carrington	Mills
Fitzgerald	Nicholson
Garland	Rampy

(Mr. Morgan in the Chair.)

(Speaker in the Chair.)

ADJOURNMENT

Mr. Stinson asked unanimous consent of the House that the House adjourn until 10:00 o'clock a. m. next Thursday, June 26.

There was no objection offered, and the House accordingly, at 3:45 o'clock p. m., adjourned until 10:00 o'clock a. m. next Thursday, June 26.

APPENDIX

STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on bills, as follows:

Military Affairs: H. B. No. 1096.

State Affairs: H. B. No. 1094.

Judiciary: S. B. No. 416.

Municipal and Private Corporations: S. B. No. 500.

Game and Fisheries: S. B. No. 466.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, June 24, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 312, "An Act amending Article 2843 of Chapter 16 of the Revised Civil Statutes of the State of Texas, 1925, providing for a uniform free textbook system; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, June 24, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 261, Instructing the Enrolling Clerk of the House to make corrections in H. B. No. 161.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, June 24, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 259, Instructing the Enrolling Clerk of the House to change the figures "154" to "271" in H. B. No. 1038 wherever same occur.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, June 24, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 231, Suspending the Constitutional Rule on S. B. No. 221.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

NINETY-SEVENTH DAY

(Thursday, June 26, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Blankenship
Allison	Boone
Alsup	Brawner
Avant	Bray
Bailey	Bridgers
Baker	Brown
Bell	Bullock

Bundy	Knight
Burkett	Lansberry
Carlton	Lehman
Carrington	Leyendecker
Cato	Lock
Celaya	Love
Chambers	Lowry
Clark	Lucas
Cleveland	Lyle
Coker	McAlister
Colson, Mrs.	McDonald
Craig	McGlasson
Crossley	McLellan
Crosthwait	McMurry
Daniel	McNamara
Davis	Markle
Deen	Martin
Dickson of Bexar	Matthews
Dickson of Nolan	Montgomery
Donald	Morgan
Dove	Morris
Duckett	Morse
Dwyer	Murray
Evans	Parker
Ellis	Pevehouse
Eubank	Phillips
Favors	Price
Ferguson	Rampy
Files	Reed of Bowie
Fitzgerald	Reed of Dallas
Fuchs	Ridgeway
Gandy	Rhodes
Garland	Roberts
Goodman	Senterfitt
Hanna	Sharpe
Hardeman	Shell
Hargis	Simpson
Harris of Dallas	Skiles
Harris of Hill	Smith of Bastrop
Hartzog	Smith of Atascosa
Heflin	Spacek
Henderson	Stanford
Hileman	Stinson
Howington	Stubbs
Hoyo	Taylor
Huddleston	Thornton
Hughes	Turner
Humphrey	Voigt
Hutchinson	Walters
Isaacks	Wattner
Jones	Weatherford
Kelly	White
Kennedy	Whitesides
Kinard	Winfree
Klingeman	
	Absent
Bean	Manford
Hobbs	Spangler
Huffman	
	Absent—Excused
Allen	Benton

Bruhl	McCann
Burnaman	Manning
Connelly	Mills
Gilmer	Moore
Halsey	Nicholson
Helpinstill	Pace
Howard	Roark
Kersey	Sallas
King	Vale
Little	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, in the midst of uncertainty do Thou open our eyes to see the paths of wisdom in all our ways. Wilt Thou help us to bring order out of confusion, and to remember Thee in our activities, as we live and move in Thy presence. The Lord bless and comfort our dear friend, Mrs. Stevenson, in her affliction; and may she feel the everlasting arms beneath her in these days, and that God's banner over her is love. In Jesus' name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Benton for today on motion of Mr. Evans.

Mr. Kersey for today on motion of Mr. Carlton.

Mr. Burnaman for today on motion of Mr. Reed of Bowie.

Mr. McCann for today on motion of Mr. Senterfitt.

Mr. Allen for today on motion of Mr. Markle.

Mr. King for today on motion of Mr. Cleveland.

Mr. Gilmer for today on motion of Mr. Stinson.

Mr. Helpinstill for today on motion of Mr. Lowry.

Mr. Mills for today on motion of Mr. Burkett.

Mr. Manning for today on motion of Mr. Alsup.

Mr. Vale for today on motion of Mr. Celaya.

Mr. Halsey for today on motion of Mr. Eubank.

Mr. Connelly and Mr. Moore for today on motion of Miss Files.

Mr. Howard and Mr. Little for today on motion of Mr. Morse.

Mr. Roark for today on motion of Mr. Hutchinson.

The following Members were granted leaves of absence on account of illness:

Mr. Pace for today on account of illness in family on motion of Mr. Kennedy.

Mr. Bruhl for today on motion of Mr. White.

Mr. Sallas for today on motion of Mr. Ferguson.

HOUSE BILLS ON FIRST READING

Mr. Hutchinson asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 1097.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Hutchinson, Mr. Reed of Dallas and Mr. McDonald:

H. B. No. 1097, A bill to be entitled "An Act making an appropriation to be paid out of the General Revenue Fund of the State of Texas the sum of Two Hundred Forty-four Thousand, Eight Hundred (\$244,800.00) Dollars not otherwise appropriated, to further provide for the operation, support, and maintenance of Prairie View State Normal and Industrial College, Prairie View, Texas; and declaring an emergency."

Referred to the Committee on Appropriations.

Mr. Bray moved to introduce at this time and have placed on first reading House Bill No. 1098.

The motion prevailed by the following vote:

Yeas—102

Allison

Alsup

Avant
Bailey
Baker
Bell
Blankenship
Boone
Bray
Bridgers
Brown
Bullock
Bundy
Carlton
Carrington
Cato
Celaya
Chambers
Cleveland
Coker
Colson, Mrs.
Craig
Crossley
Crosthwait
Daniel
Dickson of Bexar
Dickson of Nolan
Dove
Evans
Ellis
Ferguson
Files
Fitzgerald
Fuchs
Gandy
Garland
Goodman
Hanna
Hardeman
Hargis
Harris of Dallas
Harris of Hill
Hartzog
Helpinstill
Henderson
Hileman
Hoyo
Huddleston
Hughes
Humphrey
Hutchinson
Jones

Kelly
Kennedy
Kinard
Klingeman
Lansberry
Lehman
Leyendecker
Lock
Love
Lowry
Lyle
McDonald
McGlasson
McLellan
McNamara
Markle
Martin
Matthews
Montgomery
Morris
Morse
Murray
Parker
Pevehouse
Phillips
Price
Rampy
Reed of Bowie
Reed of Dallas
Ridgeway
Rhodes
Roberts
Senterfitt
Sharpe
Simpson
Skiles
Smith of Bastrop
Smith of Atascosa
Spacek
Stanford
Stinson
Stubbs
Taylor
Thornton
Turner
Voigt
Walters
Wattner
Weatherford
Winfree

Nays—7

Burkett
Deen
Donald
Duckett

Favors
Howington
Lucas

Present—Not Voting

Heflin

Absent

Bean

Brawner

Clark	McMurry
Davis	Manford
Dwyer	Morgan
Eubank	Shell
Hobbs	Spangler
Huffman	White
Knight	Whitesides
McAlister	

Absent—Excused

Allen	Little
Benton	McCann
Bruhl	Manning
Burnaman	Mills
Connelly	Moore
Gilmer	Nicholson
Halsey	Pace
Howard	Roark
Isaacks	Sallas
Kersey	Vale
King	

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Bray and Mr. Matthews:

H. B. No. 1098, A bill to be entitled "An Act to amend Section 1 of Senate Bill No. 496, Chapter 168, Acts of the Regular Session of the Forty-fourth Legislature, as amended by Section 1 of House Bill No. 153, Chapter 71, Acts of the second called session of the Forty-fifth Legislature, so as to authorize any city of more than ten thousand (10,000) population, according to the last preceding Federal Census, whether incorporated under general or special law, to codify and adopt a code of civil and criminal ordinances without the necessity of publication; providing for the taking effect of said code upon adoption; providing said code shall have the force and effect of an ordinance regularly enacted; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

Mr. Bell asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 1099.

There was no objection.

The Speaker then laid the bill before the House, it was read first

time and referred to the appropriate committee, as follows:

By Mr. Bell and Mr. Reed of Dallas:

H. B. No. 1099, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Bedding Division of the State Department of Health for the two-year period beginning September 1, 1941, and ending August 31, 1943, and for other purposes, and declaring an emergency."

Referred to the Committee on Appropriations.

BILLS ORDERED NOT PRINTED

On motion of Mr. Carrington, House Bill No. 1096 was ordered not printed.

On motion of Mr. Hutchinson, House Bill No. 1097 was ordered not printed.

On motion of Mr. Thornton, House Bill No. 1095 was ordered not printed.

On motion of Mr. Bell, House Bill No. 1099 was ordered not printed.

RECALLING HOUSE BILL NO. 188 FROM THE GOVERNOR

Mr. Chambers offered the following resolution:

H. C. R. No. 280, Recalling House Bill No. 188 from the Governor.

Whereas, House Bill No. 188 has passed the House and Senate and is now in the Governor's office; and

Whereas, The original provisions of this bill transferred Brown County from the Third Supreme Judicial District to the Eleventh Supreme Judicial District, but during the passage of this act it was so amended that Coleman County was transferred but Brown County was not; and

Whereas, It is desired that Brown County be also transferred from the Third Supreme Judicial District to the Eleventh Supreme Judicial District; now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring, That the Governor be requested to

return this bill to the House of Representatives for further consideration and upon its return that the Enrolling Clerk of the House be instructed to correct the bill so that it will provide that Coleman and Brown Counties are thereby transferred from the Third Supreme Judicial District to the Eleventh Supreme Judicial District.

The resolution was read second time and was adopted.

**RELATIVE TO SENATE BILL
NO. 423**

Mr. Kelly offered the following resolution:

H. C. R. No. 275, Relative to Senate Bill No. 423.

Whereas, Senate Bill No. 423 appropriating money for the various State departments of Texas has passed the Senate and the House of Representatives; and,

Whereas, A Free Conference Committee has heretofore acted on said bill and the report of said Conference Committee has been adopted by both the House and the Senate; and,

Whereas, Under the department, "Board of Pardons and Paroles," there was inadvertently omitted through oversight the usual rider which has heretofore been attached to this department since the creation of such Board; and,

Whereas, It was the intent and purpose of the Legislature to include the following rider under such department, to-wit:

"Provided one member of the Board of Pardons and Paroles shall have his headquarters at Huntsville, and two members of said Board shall remain in Austin, Texas, where the main office of the Board of Pardons and Paroles is located; and said Board member stationed at Huntsville, Texas, shall investigate the eligibility of convicts for executive clemency, upon units of the Prison System, and said Board member shall forward his written report and records to the main office at Austin, Texas, for consideration by the other members of said Board. Said Board member stationed at Huntsville, Texas, shall also report to the Comptrol-

ler at Austin, Texas, on the first of each month, under oath, the number of convicts interviewed, giving the name, number, and what disposition or recommendation, if any, has been made of such cases that have been interviewed."

Now, therefore, be it resolved, by the House of Representatives, the Senate concurring, That said rider be considered by the Board of Pardons and Paroles as a part of Senate Bill No. 423, and that the same shall be in full force and effect at the time Senate Bill No. 423 is effective, and it is so enacted.

KELLY,
ALSUP,
REED of Dallas.

The resolution was read second time and was adopted.

**PROVIDING FOR CERTAIN AD-
JOURNMENT PERIOD**

Mr. Alsop offered the following resolution:

H. C. R. No. 279, Providing for certain adjournment period.

Be it resolved by the House of Representatives, the Senate concurring, That each House grant the other permission to adjourn Thursday, June 26, 1941, to Tuesday, July 1, 1941, at 10:00 o'clock a. m.

The resolution was read second time and was adopted by the following vote:

Yeas—69

Allison	Crosthwait
Alsop	Donald
Bailey	Evans
Baker	Ellis
Bell	Ferguson
Blankenship	Files
Boone	Fitzgerald
Brawner	Gandy
Bray	Hardeman
Brown	Hargis
Carlton	Harris of Dallas
Carrington	Harris of Hill
Cato	Hartzog
Celaya	Heflin
Chambers	Henderson
Clark	Howington
Cleveland	Jones
Coker	Kelly
Crossley	Kennedy

Kinard	Morris
Knight	Phillips
Leyendecker	Roberts
Lock	Shell
Love	Smith of Bastrop
Lowry	Smith of Atascosa
Lyle	Stanford
McAlister	Stinson
McDonald	Stubbs
McGlasson	Taylor
McMurry	Turner
McNamara	Walters
Martin	Wattner
Matthews	Weatherford
Montgomery	Winfree
Morgan	

Nays—42

Avant	Hughes
Bridgers	Humphrey
Bullock	Hutchinson
Bundy	Klingeman
Burkett	Lansberry
Craig	Lehman
Daniel	Lucas
Deen	McLellan
Dickson of Bexar	Markle
Dickson of Nolan	Morse
Dove	Murray
Duckett	Parker
Dwyer	Pevehouse
Favors	Price
Garland	Rampy
Goodman	Reed of Bowie
Hanna	Ridgeway
Helpinstill	Senterfitt
Hileman	Simpson
Hoyo	Spacek
Huddleston	Thornton

Absent

Bean	Reed of Dallas
Colson, Mrs.	Rhodes
Davis	Skiles
Eubank	Spangler
Fuchs	Voigt
Hobbs	White
Huffman	Whitesides
Manford	

Absent—Excused

Allen	Kersey
Benton	King
Bruhl	Little
Burnaman	McCann
Connelly	Manning
Gilmer	Mills
Halsey	Moore
Howard	Nicholson
Isaacks	Pace

Roark	Sharpe
Sallas	Vale

PROVIDING FOR CERTAIN APPROPRIATION

Mr. Alsop offered the following resolution:

H. C. R. No. 274, Providing for certain appropriation for the Legislative Advisory Committee on Rural Aid.

Whereas, The Rural Aid Bill has been passed by the House, and Senate; and

Whereas, The bill provides for an advisory legislative committee; and

Whereas, Said advisory legislative committee will not be able to function until September 1st unless additional revenues is provided; now

Therefore be it resolved by the House of Representatives, with the Senate concurring, That Fifteen Hundred Dollars (\$1500.00), or so much thereof that may be necessary, is appropriated out of the Contingent Expense Funds of the Legislature to be used by the legislative advisory committee until the Rural Aid Law is effective.

The resolution was read second time and was adopted.

AUTHORIZING THE LOAN OF CERTAIN HIGHWAY EQUIPMENT

Mr. Murray offered the following resolution:

H. C. R. No. 276, Authorizing the Loan of Certain Highway Equipment.

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in Collin County and other near by counties and within the highway district which includes Collin County; and

Whereas, The City of Prosper is greatly in need of some of this discarded wire for purposes of protecting the school district of said City of Prosper; and

Whereas, Some of this discarded wire could be used to build a fence around said district; therefore, be it

Resolved by the House of Representatives of Texas, the Senate concurring, That the State Highway De-

partment of Texas be authorized to lend to the above-mentioned City sufficient quantities of the discarded wire hereinabove mentioned to enable them to provide the needed wire for this school district; the said wire to be returned to the State Highway Department if and when requested.

MURRAY,
BENTON.

The resolution was read second time and was adopted.

EXPRESSING APPRECIATION FOR CERTAIN PLAQUE

Mr. Stubbs offered the following resolution:

H. S. R. No. 359, Expressing Appreciation of the House for the Presentation of Certain Plaque.

Whereas, The granite for the Capitol Building of the State of Texas was donated to the State by W. H. Westfall, G. W. Lacy and N. L. Norton; and

Whereas, H. C. R. No. 77 of the Forty-sixth Legislature authorized the Board of Control to purchase and erect a suitable bronze plaque in the corridor of the State Capitol Building commemorating the memory of these patriotic citizens for their generous contribution; and

Whereas, In compliance with this resolution, the National Youth Administration Metal Working Shop at Inks Dam fabricated this plaque at no cost to the State of Texas; now, therefore, be it

Resolved by the House of Representatives of the Forty-seventh Legislature of the State of Texas, That we extend our sincere thanks and appreciation to the National Youth Administration Metal Working Shop and also to Mr. J. C. Kellam, Director of the National Youth Administration, whose generosity made possible the presentation of this memorable plaque; and be it further

Resolved, That an enrolled copy of this resolution be sent under the Seal of the Chief Clerk of the House to Mr. J. C. Kellam, who so successfully supervised the construction of this plaque.

STUBBS,
HARDEMAN,
SIMPSON.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crosthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Evans, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McMurry, McNamara, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morris, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Ridgeway, Rhodes, Roark, Roberts, Sallas, Senterfitt, Sharpe, Shell, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

On the motion of Mr. Stubbs, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

PRESENTATION TO HONORABLE HOWARD HARTZOG

Mr. Bell, having been recognized by the Speaker, presented Honorable Howard Hartzog, on behalf of the Members of the Committee on Revenue and Taxation, with a rifle.

Mr. Hartzog addressed the House expressing appreciation for the gift.

EXTENDING CONGRATULATIONS OF THE HOUSE

Mr. Lyle offered the following resolution:

H. S. R. No. 360, Extending Congratulations of the House to Honorable James E. Taylor.

Whereas, On this 26th day of June anything can and probably will happen, and

Whereas, It has ever been such for upon this day some years ago there came into this world a young babe destined to leave his mark upon the pages of Texas History or at least on the pages of the Texas House Journal, and

Whereas, Since that day only those who oppose the principles of honesty, manhood, and the American way of life have been sorry that this young man has moved across the stage of Texas, and

Whereas, The lives of each of the Members of this Legislature have been and are closely associated with this young fellow; now, therefore, be it

Resolved, That recognition be taken on this 26th day of June, the anniversary of the birth of the Honorable James E. Taylor, Member of the Legislature and Member of the American Army, and

Be it further resolved, That it be the sense of this body that his fine service to Texas and America be recognized by the adoption of this resolution and that a copy be delivered to him.

LYLE,
MORRIS,
HARTZOG,
McALISTER,
HARRIS of Dallas,
CELAYA,
CARLTON,
MORSE,
BELL.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Avant, Bailey, Baker, Bean, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carrington, Cato, Chambers, Clark, Cleveland, Coker, Mrs.

Colson, Connelly, Craig, Crossley, Crosthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Evans, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Hardeman, Hargis, Harris of Hill, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, McCann, McDonald, McGlasson, McLellan, McMurry, McNamara, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Rhodes, Ridgeway, Roark, Roberts, Sallas, Senterfitt, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

On the motion of Mr. Lansberry, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

REPORT OF COMMITTEE TO ATTEND NATION-WIDE OIL HEARING

The following report was submitted and, on motion of Mr. Morris, was ordered printed in the Journal:

Hon. Homer Leonard, Speaker of the House of Representatives, Austin, Texas.

Honorable Sir: We, your Committee acting by and under the authority pursuant to House Simple Resolution No. 343 and appointed by the Speaker to represent the House of Representatives and the State of Texas at the Nation-wide Oil Hearing held in Washington, Thursday, June 19th, beg to report back with the following remarks:

The office of Petroleum Co-ordi-

nator for National Defense appointed the Hon. Ralph Davies, of California, as Deputy Co-ordinator. The appointment was well received because Mr. Davies has been thirty years in the oil business and is thoroughly versed in all of its phases of operation. The actual administration of Petroleum Co-ordination will be largely under the supervision and control of Mr. Davies.

The United States is divided into five (5) regions. The region in which Texas will operate will consist of the States of Alabama, Mississippi, Louisiana, Arkansas, Texas, and New Mexico. There is nothing conclusive as to the regional division but the tentative plans are at least just that.

There will be four Industry Advisory Committees established in each region. These four Industry Advisory Committees will be composed of not more than twelve (12) members each. The four Committees will be as follows: Committee on Production, Committee on Refining, Committee on Transportation, and Committee on Marketing. The personnel of each of the above Industry Advisory Committees will be nominated by the oil industry, itself. The interested oil men, who went to the Oil Hearing in Washington and who registered there, will receive a ballot on which to nominate their preference for membership on these Committees. The Chairmen of the four Committees will constitute a General Co-ordinating Committee for each region.

The above is all of the technical organization which was set forth at the meeting and the remainder of this report is to be accepted in the light of personal observation and impression.

Your Committee listened to reports from the proper men in authority from Canada and from England as to the problems which will probably arise in the administration of Co-ordinating Petroleum for National Defense; and also the condition of the resources of those two countries. We heard reports from the officials of the Office of Production Management, better known as the O. P. M., as to the intent of the National Gov-

ernment to control the price of oil and oil products; and some indication was also made as to the necessity of the immediate solution of the transportation problem.

Purely as a personal observation, may your Committee report to the House that the State of Texas was the only State with official legislative representation. The members of this Committee were indeed honored to have the opportunity to thus serve the State. The action of the House signified to the oil men of the nation that this State is concerned with the welfare of her Number I Industry and that this State is definitely interested in any Federal action pertaining to that industry. The membership of this Committee did not feel that their position was such that they were empowered to contribute to the general discussion or to pledge the State in any wise in any endeavor; but rather the Committee interpreted their official function as one of being on record as having attended the meeting and as having been official observers.

We might add further that although the language indulged in by the various speakers was beautiful in phraseology, the message was clear and unmistakable. . . The Federal Government is taking over in no uncertain terms the Oil Industry for the duration of the National Emergency!

Respectfully submitted,
BRAY,
KENNEDY.

BILL REREFERRED

Mr. Thornton moved that House Bill No. 1095 be withdrawn from the Committee on Municipal and Private Corporations and referred to the Committee on Appropriations.

The motion prevailed.

RELATIVE TO HOUSE BILL NO. 166

Mr. Stinson moved to reconsider the vote by which the Conference Committee report on House Bill No. 166 was adopted and asked to have the motion to reconsider spread on the Journal.

HOUSE BILL NO. 1096 ON
SECOND READING

(By unanimous consent.)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 1096, A bill to be entitled "An Act relating to National and State defense; providing for the establishment of a State Council of Defense and of local and district councils of defense; prescribing the powers and duties thereof; providing for the acceptance of gifts and donations and creating a fund therefor; appropriating all monies in said fund; providing a saving clause; repealing all laws or parts of laws inconsistent therewith; and declaring an emergency."

The bill was read second time.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 1096 was then passed to engrossment.

HOUSE BILL NO. 1096 ON
THIRD READING

Mr. Carrington moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 1096 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

Allison	Carrington
Alsup	Cato
Avant	Celaya
Bailey	Chambers
Baker	Clark
Bell	Cleveland
Blankenship	Coker
Brawner	Colson, Mrs.
Bray	Crossley
Bridgers	Crosthwait
Brown	Daniel
Bullock	Deen
Bundy	Dickson of Bexar
Burkett	Dickson of Nolan
Carlton	Dove

Duckett	McLellan
Evans	McMurry
Ellis	McNamara
Ferguson	Markle
Files	Martin
Fitzgerald	Matthews
Fuchs	Montgomery
Gandy	Morris
Garland	Morse
Goodman	Murray
Hanna	Parker
Hardeman	Pevehouse
Hargis	Phillips
Harris of Dallas	Price
Harris of Hill	Rampy
Hartzog	Reed of Bowie
Heflin	Reed of Dallas
Henderson	Ridgeway
Hileman	Rhodes
Howington	Roberts
Hoyo	Senterfitt
Huddleston	Shell
Hughes	Simpson
Humphrey	Skiles
Hutchinson	Smith of Bastrop
Jones	Smith of Atascosa
Kelly	Spacek
Kennedy	Stanford
Kinard	Stinson
Klingeman	Stubbs
Knight	Taylor
Lansberry	Thornton
Lehman	Turner
Leyendecker	Voigt
Lock	Walters
Love	Wattner
Lucas	Weatherford
Lyle	White
McAlister	Whitesides
McDonald	Winfree
McGlasson	

Nays—1

Donald

Present—Not Voting

Favors

Absent

Bean	Hobbs
Boone	Huffman
Craig	Lowry
Davis	Manford
Dwyer	Morgan
Eubank	Spangler

Absent—Excused

Allen	Burnaman
Benton	Connelly
Bruhl	Gilmer

Halsey
Helpinstill
Howard
Isaacks
Kersey
King
Little
McCann
Manning

Mills
Moore
Nicholson
Pace
Roark
Sallas
Sharpe
Vale

Ridgeway
Rhodes
Roberts
Senterfitt
Shell
Simpson
Skiles
Smith of Bastrop
Smith of Atascosa
Spacek
Stanford
Stinson

Stubbs
Taylor
Thornton
Turner
Voigt
Walters
Wattner
Weatherford
White
Whitesides
Winfree

The Speaker then laid House Bill No. 1096 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—111

Allison	Harris of Hill
Alsup	Hartzog
Avant	Heflin
Bailey	Henderson
Baker	Hileman
Bell	Howington
Blankenship	Hoyo
Brawner	Huddleston
Bray	Hughes
Bridgers	Humphrey
Brown	Hutchinson
Bullock	Jones
Bundy	Kelly
Burkett	Kennedy
Carlton	Kinard
Carrington	Klingeman
Cato	Knight
Celaya	Lansberry
Chambers	Lehman
Clark	Leyendecker
Cleveland	Lock
Coker	Love
Colson, Mrs.	Lucas
Crossley	Lyle
Crosthwaite	McAlister
Daniel	McDonald
Deen	McGlasson
Dickson of Bexar	McLellan
Dickson of Nolan	McMurry
Dove	McNamara
Duckett	Markle
Evans	Martin
Ellis	Matthews
Ferguson	Montgomery
Files	Morris
Fitzgerald	Morse
Fuchs	Murray
Gandy	Parker
Garland	Pevehouse
Goodman	Phillips
Hanna	Price
Hardeman	Rampy
Hargis	Reed of Bowie
Harris of Dallas	Reed of Dallas

Nays—1

Donald

Present—Not Voting

Favors

Absent

Bean	Hobbs
Boone	Huffman
Craig	Lowry
Davis	Manford
Dwyer	Morgan
Eubank	Spangler

Absent—Excused

Allen	Little
Benton	McCann
Bruhl	Manning
Burnaman	Mills
Connelly	Moore
Gilmer	Nicholson
Halsey	Pace
Helpinstill	Roark
Howard	Sallas
Isaacks	Sharpe
Kersey	Vale
King	

HOUSE BILL NO. 1094 ON SECOND READING

(By unanimous consent.)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 1094, A bill to be entitled "An Act amending Section 6 of Chapter 426, Acts of the Regular Session of the Forty-fifth Legislature, as amended by Section 3 of House Bill No. 828, Acts of the Regular Session of the Forty-seventh Legislature, providing for the appointment, term of office, qualification and organization of Board of Directors of the San Jacinto River

Conservation and Reclamation District; fixing the domicile of said district; and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 1094 ON
THIRD READING

Mrs. Colson moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 1094 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

Allison	Hardeman
Alsup	Hargis
Avant	Harris of Dallas
Bailey	Harris of Hill
Baker	Hartzog
Bell	Heflin
Blankenship	Henderson
Brawner	Hileman
Bray	Howington
Bridgers	Hoyo
Brown	Huddleston
Bullock	Hughes
Bundy	Humphrey
Burkett	Hutchinson
Carlton	Jones
Carrington	Kelly
Cato	Kennedy
Celaya	Kinard
Chambers	Klingeman
Clark	Knight
Cleveland	Lansberry
Coker	Lehman
Colson, Mrs.	Leyendecker
Crossley	Lock
Crosthwait	Love
Daniel	Lucas
Deen	Lyle
Dickson of Bexar	McAlister
Dickson of Nolan	McDonald
Dove	McGlasson
Duckett	McLellan
Evans	McMurry
Ellis	McNamara
Ferguson	Markle
Files	Martin
Fitzgerald	Matthews
Fuchs	Montgomery
Gandy	Morris
Garland	Morse
Goodman	Murray
Hanna	Parker

Pevehouse	Spacek
Phillips	Stanford
Price	Stinson
Rampy	Stubbs
Reed of Bowie	Taylor
Reed of Dallas	Thornton
Ridgeway	Turner
Rhodes	Voigt
Roberts	Walters
Senterfitt	Wattner
Shell	Weatherford
Simpson	White
Skiles	Whitesides
Smith of Bastrop	Winfree
Smith of Atascosa	

Nays—1

Donald

Present—Not Voting

Favors

Absent

Bean	Hobbs
Boone	Huffman
Craig	Lowry
Davis	Manford
Dwyer	Morgan
Eubank	Spangler

Absent—Excused

Allen	Little
Benton	McCann
Bruhl	Manning
Burnaman	Mills
Connelly	Moore
Gilmer	Nicholson
Halsey	Pace
Helpinstill	Roark
Howard	Sallas
Isaacks	Sharpe
Kersey	Vale
King	

The Speaker then laid House Bill No. 1094 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—111

Allison	Bray
Alsup	Bridgers
Avant	Brown
Bailey	Bullock
Baker	Bundy
Bell	Burkett
Blankenship	Carlton
Brawner	Carrington

Cato	Lock
Celaya	Love
Chambers	Lucas
Clark	Lyle
Cleveland	McAlister
Coker	McDonald
Colson, Mrs.	McGlasson
Crossley	McLellan
Crosthwaite	McMurry
Daniel	McNamara
Deen	Markle
Dickson of Bexar	Martin
Dickson of Nolan	Matthews
Dove	Montgomery
Duckett	Morris
Evans	Morse
Ellis	Murray
Ferguson	Parker
Files	Pevehouse
Fitzgerald	Phillips
Fuchs	Price
Gandy	Rampy
Garland	Reed of Bowie
Goodman	Reed of Dallas
Hanna	Ridgeway
Hardeman	Rhodes
Hargis	Roberts
Harris of Dallas	Senterfitt
Harris of Hill	Shell
Hartzog	Simpson
Heflin	Skiles
Henderson	Smith of Bastrop
Hileman	Smith of Atascosa
Howington	Spacek
Hoyo	Stanford
Huddleston	Stinson
Hughes	Stubbs
Humphrey	Taylor
Hutchinson	Thornton
Jones	Turner
Kelly	Voigt
Kennedy	Walters
Kinard	Wattner
Klingeman	Weatherford
Knight	White
Lansberry	Whitesides
Lehman	Winfree
Leyendecker	

Nays—1

Donald

Present—Not Voting

Favors

Absent

Bean	Dwyer
Boone	Eubank
Craig	Hobbs
Davis	Huffman

Lowry	Morgan
Manford	Spangler

Absent—Excused

Allen	Little
Benton	McCann
Bruhl	Manning
Burnaman	Mills
Connelly	Moore
Gilmer	Nicholson
Halsey	Pace
Helpinstill	Roark
Howard	Sallas
Isaacks	Sharpe
Kersey	Vale
King	

HOUSE BILL NO. 1088 ON
SECOND READING

(By unanimous consent.)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 1088, A bill to be entitled "An Act to amend Chapter 85 of the First Called Session of the Fortieth Legislature approved June 8, 1927, to authorize a ninety-nine year lease to be issued to the Town of Aransas Pass leasing Ransom Island and certain waters surrounding the same, situated in Nueces County, authorizing the said town to improve or have said area improved for public park purposes and the building of recreational facilities, bathing beaches, wharves, slips and docks, pavilions, clubhouses, habitations, tourist and other cottages, hotels, cafes, stores, filling stations, concessions, bathhouses, channels, causeways, bridges, streets, alleys, utilities and other structures and facilities necessary or desired for the development of the leased area as a place of recreation, amusement and better living, etc.; and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 1088 ON
THIRD READING

Mr. Shell moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 1088 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

Allison	Kelly
Alsup	Kennedy
Avant	Kinard
Bailey	Klingeman
Baker	Knight
Bell	Lansberry
Blankenship	Lehman
Brawner	Leyendecker
Bray	Lock
Bridgers	Love
Brown	Lucas
Bullock	Lyle
Bundy	McAlister
Burkett	McDonald
Carlton	McGlasson
Carrington	McLellan
Cato	McMurry
Celaya	McNamara
Chambers	Markle
Clark	Martin
Cleveland	Matthews
Coker	Montgomery
Colson, Mrs.	Morris
Crossley	Morse
Crosthwait	Murray
Daniel	Parker
Deen	Pevehouse
Dickson of Bexar	Phillips
Dickson of Nolan	Price
Dove	Rampy
Duckett	Reed of Bowie
Ellis	Reed of Dallas
Evans	Ridgeway
Ferguson	Rhodes
Files	Roberts
Fitzgerald	Senterfitt
Fuchs	Shell
Gandy	Simpson
Garland	Skiles
Goodman	Smith of Bastrop
Hanna	Smith of Atascosa
Hardeman	Spacek
Hargis	Stanford
Harris of Dallas	Stinson
Harris of Hill	Stubbs
Hartzog	Taylor
Heflin	Thornton
Henderson	Turner
Hileman	Voigt
Howington	Walters
Hoyo	Wattner
Huddleston	Weatherford
Hughes	White
Humphrey	Whitesides
Hutchinson	Winfree
Jones	

Nays—1

Donald

Present—Not Voting

Favors

Absent

Bean	Hobbs
Boone	Huffman
Craig	Lowry
Davis	Manford
Dwyer	Morgan
Eubank	Spangler

Absent—Excused

Allen	Little
Benton	McCann
Bruhl	Manning
Burnaman	Mills
Connelly	Moore
Gilmer	Nicholson
Halsey	Pace
Helpinstill	Roark
Howard	Sallas
Isaacks	Sharpe
Kersey	Vale
King	

The Speaker then laid House Bill No. 1088 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—111

Allison	Crossley
Alsup	Crosthwait
Avant	Daniel
Bailey	Deen
Baker	Dickson of Bexar
Bell	Dickson of Nolan
Blankenship	Dove
Brawner	Duckett
Bray	Ellis
Bridgers	Evans
Brown	Ferguson
Bullock	Files
Bundy	Fitzgerald
Burkett	Fuchs
Carlton	Gandy
Carrington	Garland
Cato	Goodman
Celaya	Hanna
Chambers	Hardeman
Clark	Hargis
Cleveland	Harris of Dallas
Coker	Harris of Hill
Colson, Mrs.	Hartzog

Heflin	Morse
Henderson	Murray
Hileman	Parker
Howington	Pevehouse
Hoyo	Phillips
Huddleston	Price
Hughes	Rampy
Humphrey	Reed of Bowie
Hutchinson	Reed of Dallas
Jones	Ridgeway
Kelly	Rhodes
Kennedy	Roberts
Kinard	Senterfitt
Klingeman	Shell
Knight	Simpson
Lansberry	Skiles
Lehman	Smith of Bastrop
Leyendecker	Smith of Atascosa
Lock	Spacek
Love	Stanford
Lucas	Stinson
Lyle	Stubbs
McAlister	Taylor
McDonald	Thornton
McGlasson	Turner
McLellan	Voigt
McMurry	Walters
McNamara	Wattner
Markle	Weatherford
Martin	White
Matthews	Whitesides
Montgomery	Winfree
Morris	

Nays—1

Donald

Present—Not Voting

Favors

Absent

Bean	Hobbs
Boone	Huffman
Craig	Lowry
Davis	Manford
Dwyer	Morgan
Eubank	Spangler

Absent—Excused

Allen	Little
Benton	McCann
Bruhl	Manning
Burnaman	Mills
Connelly	Moore
Gilmer	Nicholson
Halsey	Pace
Helpinstill	Roark
Howard	Sallas
Isaacks	Sharpe
Kersey	Vale
King	

HOUSE BILL NO. 1089 ON
SECOND READING

(By Unanimous Consent)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 1089, A bill to be entitled "An Act for the purpose of providing necessary regulations for the taking of fish from the body of water formed by the waters of the Navasota River within the boundaries of Fort Parker State Park; providing for a special license for one day's fishing; and declaring an emergency."

The bill was read second time.

Mr. Dove offered the following amendments to the bill:

Amend House Bill No. 1089 by striking out the words and figures "One Dollar and Ten Cents (\$1.10)" in line 8 of Section 1 and insert in lieu thereof the words and figures "One Dollar and Fifty Cents (\$1.50)."

Amend House Bill No. 1089 by striking out the words "State Parks Board" in line 10 of Section 1 and insert in lieu thereof the words "Special Parks Fund."

Amend House Bill No. 1089 by striking out the words "Game, Fish and Oyster Commission," in lines 5 and 6 of Section 1 and insert in lieu thereof the words "State Parks Board."

The amendments were severally adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 1089 was then passed to engrossment.

HOUSE BILL NO. 1089 ON
THIRD READING

Mr. Dove moved that the Constitution requiring bills to be read on three several days be suspended, and that House Bill No. 1089 be placed

on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

Allison	Hutchinson
Alsup	Jones
Avant	Kelly
Bailey	Kennedy
Baker	Kinard
Bell	Klingeman
Blankenship	Knight
Brawner	Lansberry
Bray	Lehman
Bridgers	Leyendecker
Brown	Lock
Bullock	Love
Bundy	Lucas
Burkett	Lyle
Carlton	McAlister
Carrington	McDonald
Cato	McGlasson
Celaya	McLellan
Chambers	McMurry
Clark	McNamara
Cleveland	Markle
Coker	Martin
Colson, Mrs.	Matthews
Crossley	Montgomery
Crosthwait	Morris
Daniel	Morse
Deen	Murray
Dickson of Bexar	Parker
Dickson of Nolan	Pevehouse
Dove	Phillips
Duckett	Price
Ellis	Rampy
Evans	Reed of Bowie
Ferguson	Reed of Dallas
Files	Ridgeway
Fitzgerald	Rhodes
Fuchs	Roberts
Gandy	Senterfitt
Garland	Shell
Goodman	Simpson
Hanna	Skiles
Hardeman	Smith of Bastrop
Hargis	Smith of Atascosa
Harris of Dallas	Spacek
Harris of Hill	Stanford
Hartzog	Stinson
Heflin	Stubbs
Henderson	Taylor
Hileman	Thornton
Howington	Turner
Hoyo	Voigt
Huddleston	Walters
Hughes	Wattner
Humphrey	Weatherford

White
Whitesides

Winfree

Nays—1

Donald

Present—Not Voting

Favors

Absent

Bean	Hobbs
Boone	Huffman
Craig	Lowry
Davis	Manford
Dwyer	Morgan
Eubank	Spangler

Absent—Excused

Allen	Little
Benton	McCann
Bruhl	Manning
Burnaman	Mills
Connelly	Moore
Gilmer	Nicholson
Halsey	Pace
Helpinstill	Roark
Howard	Sallas
Isaacks	Sharpe
Kersey	Vale
King	

The Speaker then laid House Bill No. 1089 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—111

Allison	Coker
Alsup	Colson, Mrs.
Avant	Crossley
Bailey	Crosthwait
Baker	Daniel
Bell	Deen
Blankenship	Dickson of Bexar
Brawner	Dickson of Nolan
Bray	Dove
Bridgers	Duckett
Brown	Ellis
Bullock	Evans
Bundy	Ferguson
Burkett	Files
Carlton	Fitzgerald
Carrington	Fuchs
Cato	Gandy
Celaya	Garland
Chambers	Goodman
Clark	Hanna
Cleveland	Hardeman

Hargis	Montgomery
Harris of Dallas	Morris
Harris of Hill	Morse
Hartzog	Murray
Heflin	Parker
Henderson	Pevehouse
Hileman	Phillips
Howington	Price
Hoyo	Rampy
Huddleston	Reed of Bowie
Hughes	Reed of Dallas
Humphrey	Ridgeway
Hutchinson	Rhodes
Jones	Roberts
Kelly	Senterfitt
Kennedy	Shell
Kinard	Simpson
Klingeman	Skiles
Knight	Smith of Bastrop
Lansberry	Smith of Atascosa
Lehman	Spacek
Leyendecker	Stanford
Lock	Stinson
Love	Stubbs
Lucas	Taylor
Lyle	Thornton
McAlister	Turner
McDonald	Voigt
McGlasson	Walters
McLellan	Wattner
McMurry	Weatherford
McNamara	White
Markle	Whitesides
Martin	Winfree
Matthews	

Nays—1

Donald

Present—Not Voting

Favors

Absent

Bean	Hobbs
Boone	Huffman
Craig	Lowry
Davis	Manford
Dwyer	Morgan
Eubank	Spangler

Absent—Excused

Allen	Howard
Benton	Isaacks
Bruhl	Kersey
Burnaman	King
Connelly	Little
Gilmer	McCann
Halsey	Manning
Helpinstill	Mills

Moore	Sallas
Nicholson	Sharpe
Pace	Vale
Roark	

SENATE BILL NO. 500 ON
SECOND READING

(By Unanimous Consent)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 500, A bill to be entitled "An Act amending Chapter 82 of the Acts of the 41st Legislature at its Regular Session entitled 'An Act granting to cities located in any county in this State of less than one hundred thousand inhabitants according to the last United States census, etc., the right to execute leases not to exceed a period of ninety-nine years on islands,' etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

SENATE BILL NO. 500 ON
THIRD READING

Mr. Markle moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that Senate Bill No. 500 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

Allison	Cleveland
Alsup	Coker
Avant	Colson, Mrs.
Bailey	Crossley
Baker	Crosthwait
Bell	Daniel
Blankenship	Deen
Brawner	Dickson of Bexar
Bray	Dickson of Nolan
Bridgers	Dove
Brown	Duckett
Bullock	Ellis
Bundy	Evans
Burkett	Ferguson
Carlton	Files
Carrington	Fitzgerald
Cato	Fuchs
Celaya	Gandy
Chambers	Garland
Clark	Goodman

Hanna	Matthews
Hardeman	Montgomery
Hargis	Morris
Harris of Dallas	Morse
Harris of Hill	Murray
Hartzog	Parker
Heflin	Pevehouse
Henderson	Phillips
Hileman	Price
Howington	Rampy
Hoyo	Reed of Bowie
Huddleston	Reed of Dallas
Hughes	Ridgeway
Humphrey	Rhodes
Hutchinson	Roberts
Jones	Senterfitt
Kelly	Shell
Kennedy	Simpson
Kinard	Skiles
Klingeman	Smith of Bastrop
Knight	Smith of Atascosa
Lansberry	Spacek
Lehman	Stanford
Leyendecker	Stinson
Lock	Stubbs
Love	Taylor
Lucas	Thornton
Lyle	Turner
McAlister	Voigt
McDonald	Walters
McGlasson	Wattner
McLellan	Weatherford
McMurry	White
McNamara	Whitesides
Markle	Winfree
Martin	

Nays—1

Donald

Present—Not Voting

Favors

Absent

Bean	Hobbs
Boone	Huffman
Craig	Lowry
Davis	Manford
Dwyer	Morgan
Eubank	Spangler

Absent—Excused

Allen	Howard
Benton	Isaacks
Bruhl	Kersey
Burnaman	King
Connelly	Little
Gilmer	McCann
Halsey	Manning
Helpinstill	Mills

Moore	Sallas
Nicholson	Sharpe
Pace	Vale
Roark	

The Speaker then laid Senate Bill No. 500 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—111

Allison	Hileman
Alsup	Howington
Avant	Hoyo
Bailey	Huddleston
Baker	Hughes
Bell	Humphrey
Blankenship	Hutchinson
Brawner	Jones
Bray	Kelly
Bridgers	Kennedy
Brown	Kinard
Bullock	Klingeman
Bundy	Knight
Burkett	Lansberry
Carlton	Lehman
Carrington	Leyendecker
Cato	Lock
Celaya	Love
Chambers	Lucas
Clark	Lyle
Cleveland	McAlister
Coker	McDonald
Colson, Mrs.	McGlasson
Crossley	McLellan
Crosthwait	McMurry
Daniel	McNamara
Deen	Markle
Dickson of Bexar	Martin
Dickson of Nolan	Matthews
Dove	Montgomery
Duckett	Morris
Ellis	Morse
Evans	Murray
Ferguson	Parker
Files	Pevehouse
Fitzgerald	Phillips
Fuchs	Price
Gandy	Rampy
Garland	Reed of Bowie
Goodman	Reed of Dallas
Hanna	Ridgeway
Hardeman	Rhodes
Hargis	Roberts
Harris of Dallas	Senterfitt
Harris of Hill	Shell
Hartzog	Simpson
Heflin	Skiles
Henderson	Smith of Bastrop

Smith of Atascosa	Voigt
Spacek	Walters
Stanford	Wattner
Stinson	Weatherford
Stubbs	White
Taylor	Whitesides
Thornton	Winfree
Turner	

Nays—1

Donald

Present—Not Voting

Favors

Absent

Bean	Hobbs
Boone	Huffman
Craig	Lowry
Davis	Manford
Dwyer	Morgan
Eubank	Spangler

Absent—Excused

Allen	Little
Benton	McCann
Bruhl	Manning
Burnaman	Mills
Connelly	Moore
Gilmer	Nicholson
Halsey	Pace
Helpinstill	Roark
Howard	Sallas
Isaacks	Sharpe
Kersey	Vale
King	

RELATIVE TO RESOLUTION
PERIOD

Mr. Donald moved that the House dispense with the further consideration of resolutions at this time.

The motion prevailed.

ADOPTION OF CONFERENCE COM-
MITTEE REPORT ON HOUSE
BILL NO. 796

Mr. Bell submitted the following Conference Committee Report on House Bill No. 796:

Austin, Texas, June 24, 1941.

Honorable Coke R. Stevenson, President of the Senate;

Honorable Homer L. Leonard, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the dif-

ferences between the House and Senate on House Bill No. 796,

Have had the same under consideration and beg to report back with the recommendation that the said House Bill No. 796 be adopted in the form herewith attached.

Respectfully submitted,

MOFFETT,
CHADICK,
SMITH,
BECK.

On the part of the Senate.

BELL,
TAYLOR,
COKER,
HARRIS of Dallas,
BRUHL.

On the part of the House.

H. B. No. 796,

A BILL

To Be Entitled

An Act further regulating the traffic in alcoholic liquors in this State by amending the Texas Liquor Control Act in the following particulars: Amend Sec. 3, Art. I, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, as amended by Sec. 1, Ch. 448, Acts of the Regular Session of the 45th Legislature, defining the term "open saloon," naming unlawful acts, and omitting special penalty; amend Sec. 4 (a), Art. I, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, as amended by Sec. 4, Ch. 448, Acts of the Regular Session of the 45th Legislature, providing for permits for classified privileges; amending Sec. 13, Art. I, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, as amended by Sec. 14, Ch. 448, Acts of the Regular Session of the 45th Legislature, declaring liquor permits and licenses special privileges and providing for issuance of such licenses and permits to successors in interest under certain conditions, providing conditions as to the holding of permits; amend Sec. 15 (b) as provided in Sec. 18, Ch. 448, Acts of the Regular Session of the 45th Legislature, amending Art. I, Ch. 467, Acts of the 2nd Called Session of the 44th

Legislature, providing time limitation for permits, the payment of fees, requiring permit for each outlet and for manner and method of refunding permit fees paid where application for permit is rejected; amend Sec. 15 (c) as provided in Sec. 19, Ch. 448, Acts of the Regular Session of the 45th Legislature, amending Art. I, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, and as amended by Sec. 4, Ch. 13, Acts of the First Called Session of the 45th Legislature, providing for manner and method of issuance of permits and renewal thereof, providing for method of changing location where permit is used; amend Sec. 30, Art. I, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, as amended by Sec. 37, Ch. 448, Acts of the Regular Session of the 45th Legislature, providing custody and sale of alcoholic beverages and property forfeited to the State as nuisances, providing for transfer of title thereof, providing for destruction of alcoholic beverages unfit for consumption, allocating funds and making appropriation thereof under certain conditions; amend Sections 32, 33, 35, 37, 38 and 39, all of Art. I, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, providing for manner and method of calling and holding local option elections to legalize or prohibit the sale of alcoholic beverages in this State, providing for the issuance of petitions, verification thereof, and limitation of use of such petitions in respect to the calling of local option elections, providing that no subsequent election upon the same issue in the same political subdivision shall be held within two (2) years from the date of the preceding local option election, providing for the method of establishing voting places and manner of supervision of local option elections, providing for the time and method of declaring result of election, posting of notices and certification thereof to the Secretary of State; amend Sec. 41, Art. I, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, as

amended by Sec. 39, Ch. 448, Acts of the Regular Session of the 45th Legislature, providing penalties upon conviction of violation of the Act; amend Section 42, Art. I, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, as amended by Sec. 41, Ch. 448, Acts of the Regular Session of the 45th Legislature, providing for seizure and forfeiture of alcoholic beverages and property used in maintenance of a nuisance, the conditions under which the same may be held, providing suits for forfeiture of beverages and property constituting a nuisance, providing for notice and hearing for judicial determination of issues, providing for intervention of lien holders for the sale of property under execution, allocating proceeds of sale, and for conveyance of title to property so sold; amend Sec. 6, Art. I, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, as amended by Sec. 6, Ch. 448, Acts of the Regular Session of the 45th Legislature, establishing duties and powers of the Texas Liquor Control Board, and for the adoption of rules and regulations regulating quality, purity, identity, and advertising of alcoholic beverages, providing means of standardizing liquor containers; amend Sec. 11, Art. I, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, as amended by Sec. 11, Ch. 448, Acts of the Regular Session of the 45th Legislature, establishing qualifications for liquor permits; amend Sec. 12, Art. I, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, as amended by Sec. 12, Ch. 448, Acts of the Regular Session of the 45th Legislature, providing causes for cancellation or suspension of liquor permits; amend Subsection (9) of Sec. 15, as provided in Sec. 16, Ch. 448, Acts of the Regular Session of the 45th Legislature, as amending Subsection (h), Sec. 15, Art. I, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, privileging issuance of Agent's Permit and naming conditions incident to use of such permit, declaring certain acts to

be unlawful; amend Art. I, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, as amended by Art. III, Ch. 495, Acts of the 3rd Called Session of the 44th Legislature, and by Chapters 32 and 448, Acts of the Regular Session of the 45th Legislature, and by Ch. 13, Acts of the First Called Session of the 45th Legislature, and by House Bills 8 and 373, Acts of the Regular Session of the 47th Legislature, by the addition of new Sections 15 ½, 41-A, 43-A and 43-B, providing for issuance of permit authorizing nonresidents to ship liquor and market the same in this State, providing qualifications for such permits, providing for service of notice on action to refuse, cancel or suspend permit sought or held by nonresident person, authorizing adoption of rules and regulations, providing unlawful acts, providing for seizure and forfeiture of illicit beverages, providing for examination of records and witnesses of nonresident permit holders and for privacy of findings, defining terms, providing regulation of nonresident sellers of liquor, requiring Manufacturer's Agent's Permit of persons soliciting orders for liquor for nonresidents within this State, establishing qualifications for permits and naming unlawful acts, providing for enhancement of penalties upon subsequent convictions under this Act, providing that no permit or license may be issued for use at any location under certain conditions, requiring United States citizenship as qualification for permit or license; amend Sec. 17, Art. I, Ch. 467, Acts of the 2nd Called Session of the 45th Legislature, as amended by Sec. 22, Ch. 448, Acts of the Regular Session of the 45th Legislature, and by Sec. 5, Ch. 13, Acts of the First Called Session of the 45th Legislature, naming unlawful acts; amend Subsection (12), Sec. 15, as provided in Sec. 16, Ch. 448, Acts of the Regular Session of the 45th Legislature, amending Subsection (k), Sec. 15, Art. I, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, as amended by

Sec. 2, Ch. 13, Acts of the First Called Session of the 45th Legislature, providing Private Carrier Permit, qualifications for issuance, and conditions as to the use of such permit; amend Sec. 45, Art. I, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, as amended by Sec. 43, Ch. 448, Acts of the Regular Session of the 45th Legislature, providing for the manufacture of alcoholic beverage stamps, the custody and sale thereof, and requiring the making and keeping of records pertaining thereto, providing for the adoption of regulations for issuance of stamps for sale at ports of entry, providing for refunds under certain conditions of liquor tax previously paid; amend Art. I, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, as amended by Art. III, Ch. 495, Acts of the 3rd Called Session of the 44th Legislature, and by Chapters 32 and 448, Acts of the Regular Session of the 45th Legislature, and by Ch. 13, Acts of the First Called Session of the 45th Legislature, and by House Bills 8 and 373, Acts of the Regular Session of the 47th Legislature, by the addition of a new Section 16-A declaring legislative policy in certain respects and providing for regulation of credits, discounts, subsidies, and rebates; amend Sec. 29, Art. I, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, declaring certain facts and things to constitute a nuisance, providing for prosecution and abatement by judicial proceedings, requiring bonds upon appeal and upon final judgment, providing for forfeiture of bonds; amend Sec. 1, Art. II, as provided in Sec. 49, Ch. 448, Acts of the Regular Session of the 45th Legislature, amending Art. II, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, defining terms; amend Subsection (f) of Sec. 3, Art. II, as provided in Sec. 49, Ch. 448, Acts of the Regular Session of the 45th Legislature, amending Art. II, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, providing for Branch Li-

cense to sell beer and method of obtaining such license, and conditions under which such license may be exercised; amend Art. II, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, as amended by Art. III of Ch. 495, Acts of the 3rd Called Session of the 44th Legislature, and by Ch. 13, Acts of the First Called Session of the 45th Legislature, and by Ch. 448, Acts of the Regular Session of the 45th Legislature, and by S. B. 414, Acts of the Regular Session of the 47th Legislature, by adding new Sections 5-A, 10 ½-A, 19-A, 19-B and 23 ½, providing qualifications for licenses under certain conditions, authorizing cities and towns to regulate the sale of beer under certain conditions, providing for discretionary authority to suspend licenses in lieu of cancellation, defining the meaning of certain conditions and phrases and naming unlawful acts; amend Sec. 6 of Art. II, as provided in Sec. 49, Ch. 448, Acts of the Regular Session of the 45th Legislature, amending Art. II, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, providing for manner and method of applying for licenses to sell beer, providing for contest of right to hold license, providing for hearings before county judge, the payment of license fees, the conditions under which beer licenses may be issued or denied and reasons therefor, providing for right of appeal from judgment of county judge on application for beer license and conditions to be observed during pendency of appeal, and for refund of license fees paid under certain conditions, providing for court costs and filing fees; amend Sec. 26 of Art. II, as provided in Sec. 49, Ch. 448, Acts of the Regular Session of the 45th Legislature, amending Art. II, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, and as amended by Sec. 20, Ch. 13, Acts of the First Called Session of the 45th Legislature, providing penalty for violation of Act; amend Sec. 7 of Art. II, as provided in Sec. 49, Ch. 448, Acts of the Reg-

ular Session of the 45th Legislature, amending Art. II, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, and as amended by Sections 13 and 14, Ch. 13, Acts of the First Called Session of the 45th Legislature, providing termination dates of licenses issued and for manner and method of renewal of licenses, for the payment of filing fees, requiring separate license for each place of business, providing manner and method of changing location at which license may be exercised, restricting use of license under certain conditions, providing for issuance of duplicate licenses upon loss or destruction of original licenses; amend Sec. 24 of Art. II, as provided in Sec. 49, Ch. 448, Acts of the Regular Session of the 45th Legislature, amending Art. II, Ch. 467, Acts of the 2nd Called Session of the 44th Legislature, establishing marketing practices as to the wholesale sale of beer, prohibiting interlocking ownerships, subsidies, loans and guaranties, prohibiting consignment sales, prohibiting the furnishing, giving, lending or selling of equipment or fixtures under certain conditions, prohibiting allowances and rebates for advertising and distribution service, prohibiting the offering or giving of prizes and premiums, restricting and regulating the advertising of beer, prohibiting exclusive outlets and commercial bribery, naming unlawful acts, regulating the labeling of beer, providing for rules and regulations relaxing restrictions under certain conditions, providing for regulation of deposits on returnable containers; providing effective date of certain portions of this Act; providing savings clauses; repealing laws in conflict herewith; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Section 3 of Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 1 of Chapter 448, being House Bill No. 5, Acts of the Regular

Session of the Forty-fifth Legislature, be further amended so as to hereafter read as follows:

"Sec. 3 (a) The term 'open saloon' as used in this Act, means any place where any alcoholic beverage whatever, manufactured in whole or in part by means of the process of distillation, or any liquor composed or compounded in part of distilled spirits, is sold or offered for sale for beverage purposes by the drink or in broken or unsealed containers, or any place where any such liquors are sold or offered for sale for human consumption on the premises where sold.

"(b) It shall be unlawful for any person, whether as principal, agent, or employee, to operate or assist in operating, or to be directly or indirectly interested in the operation of any open saloon in this State.

"(c) It shall be unlawful for any person to whom a Wine and Beer Retailer's Permit or Beer Retailer's License has been issued or any officer, agent, servant, or employee thereof to have in his possession on the licensed premises, any distilled spirits or any liquor containing alcohol in excess of fourteen (14) per centum by volume."

Sec. 2. That Section 4 (a) Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 4, Chapter 448, being House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, be further amended so as to hereafter read as follows:

"Sec. 4 (a) It shall be unlawful for any person to manufacture, distill, brew, sell, possess for the purpose of sale, import into this State, export from the State, transport, distribute, warehouse, store, solicit orders for, take orders for, or for the purpose of sale to bottle, rectify, blend, treat, fortify, mix, or process any liquor in any wet area without first having a permit of the class required for such privileges."

Sec. 3. That Section 13. Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 14, Chapter 448, being House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, be further

amended so as to hereafter read as follows:

"Sec. 13 (a) Any permit granted under this Act, except Wine and Beer Retailer's Permits issued to other than a railway dining, buffet, or club car, shall be good for the year in which issued and ending on August 31st of each year at twelve o'clock midnight.

"(b) Any permit or license granted under the terms of either Article I or Article II of this Act shall be a purely personal privilege, revocable in the manner and for the causes herein stated, subject to appeal as hereinafter provided, and shall not constitute property, nor shall it be subject to execution, nor shall it descend by the laws of testate or intestate devolution, but shall cease upon the death of the permittee or licensee; provided, however, that the Board shall prescribe rules and regulations whereby a new permit or license may be applied for and issued without requiring the payment of additional permit or license fees as to unexpired periods of affected permits or licenses upon death of the holder of any such license or permit, or of any person having an interest therein, or upon the dissolution of any partnership, or under conditions involving receivership or bankruptcy, to the end and that the value or cost of the unexpired portion of the permit or license shall not be lost to the successors in interest of any business involved, and that the conduct of said business may be continued without interruption; and further provided that such privilege shall not be extended to the purchaser, in whole or in part, of any business operating under an existing permit or license; and further providing that as to such application as may be filed with the County Judge a fee shall be required to be paid as in the case of an original application for a beer license; and further provided that any successor in interest must meet all requirements of law applicable to the holder of a permit or license under the terms of this Act, except that the executor, administrator, trustee or receiver acting under any judicial proceedings shall not be required to be domiciled

in the county in which the business is located.

"(c) It is further provided that the Board may, by rule and regulation, provide for the manner and time, not exceeding thirty (30) days, in which the successor in interest of any deceased, insolvent, or bankrupt permittee or receiver, or of any person whose permit or license has been cancelled, may dispose in bulk of alcoholic beverages left on hand at the termination of the use of any affected permit or license.

"(d) It is expressly provided that the acceptance of a permit or license issued under either Article I or Article II of this Act shall constitute an express agreement and consent on the part of the permittee or licensee that the Board, any of its authorized representatives, or any peace officer shall have at all times the right and privilege of freely entering upon the licensed premises for the purpose of conducting any investigation or for inspecting said premises and for the further purpose of performing any duty imposed upon the Board, its representatives, or any peace officer by this Act or by any rule and regulation of the Board."

This Section shall take effect and be in force at midnight August 31, 1941.

Sec. 4. That Section 15 (b), as appearing in Section 18, Chapter 448, being House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, amending Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, be further amended so as to hereafter read as follows:

"Sec. 15. (b) All permit fees levied by this Act except Wine and Beer Retailer's Permits issued to other than railway dining, buffet, or club cars shall be paid in advance for one year unless such fee be collected for only a portion of the year. In such event, the fee required shall cover the period of time from the date of the permit to midnight of August 31st succeeding, and only the proportionate part of the fee levied for such permit shall be collected. The fractional part of any month remaining shall be counted as one month in calculating the fee that

shall be due. A separate permit shall be obtained and a separate fee paid for each outlet of liquor in this State. No refund of permit shall for any reason be made by the Board, except when the permittee is prevented from continuing in business by reason of the result of a local option election, or upon the rejection of an application for a permit by the Board or Administrator. So much of the proceeds derived from permit fees under the provisions of this Article as may be necessary are hereby appropriated for that purpose."

Sec. 5. That Section 15 (c), as appearing in Section 19, Chapter 448, being House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, amending Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, and as amended by Section 4, Chapter 13, being Senate Bill No. 20, Acts of the First Called Session of the Forty-fifth Legislature, be further amended so as to hereafter read as follows:

"Sec. 15 (c) (1) All permits provided for in Article I of this Act, except Wine and Beer Retailer's Permits other than for railway dining, buffet, or club cars shall be applied for and obtained from the Board. Notices of all applications filed with the Board, except Wine and Beer Retailer's, Carrier's, Private Carrier's, Industrial, Agent's, Manufacturer's Agent's, Bonded Warehouse and Storage Permits, shall be given to the County Judge of the county wherein applicant's place of business is located, except where such notice is waived in writing by the County Judge. Such notice shall be given by the Board. Each application shall be accompanied by a cashier's check or a money order for the amount of the fee due the State, payable to the order of the State Treasurer.

"(2) No applicant for renewal of permit shall be required to publish notice of such application for renewal. Applications for renewal of permits shall be made under oath and shall contain all information required of the applicant by the Board or Administrator showing such applicant is not disqualified from hold-

ing a permit under this Act. Such application shall be accompanied by proper bond and remittance of required fee. Upon finding that such applicant is qualified under the terms of this Act, the Board or Administrator is authorized to issue the permit sought to be renewed. All application forms shall be furnished by the Board.

"(3) In the event any person holding a permit under the terms of this Article shall desire to change the location of his place of business, he may file his application for such change with the Board on a form to be prescribed by the Board, and the Board or Administrator may deny such application upon any grounds for which an original may be denied. Any such application may be subject to protest and hearing as though it were on application for a new permit."

Sec. 6. That Section 30, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 37, Chapter 448, being House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, be further amended so as to hereafter read as follows:

"Sec. 30. (a) All alcoholic beverages and the containers thereof, equipment and other property forfeited to the State as nuisances, unless otherwise herein provided, and all illicit beverages and the containers thereof forfeited to the State, shall be turned over to the Board for public or private sale in such place or manner as it may deem best; provided, that the Board shall exercise diligent effort to obtain the best available price for anything thus sold; provided, further, that any bill of sale executed by the Board or Administrator shall convey a good and valid title to the purchaser as to any such property sold. The Board shall sell alcoholic beverages only to the holders of qualified permits or licenses. No alcoholic beverages unfit to be sold for public consumption or of illicit manufacture, may be sold by the Board, but are declared a nuisance per se and may be destroyed by the Board. The certificate of any qualified chemist shall be accepted

by the Board as evidence of unfitness of such alcoholic beverages.

"(b) All moneys derived from the sale of any beverages or property shall be placed in a separate fund in the State Treasury, against which may be drawn all expenses incurred in the storage, assembling, custody, and sale thereof, and for other expenses which may be incurred by the Board in the investigation of, the obtaining of evidence and acting against any violations of the provisions of this Act. All money remaining in said fund on each August 31st not obligated under the provisions hereof shall be transferred by the State Treasurer to the Old Age Assistance Fund for the benefit thereof. The funds herein appropriated shall be independent of and in addition to any other appropriations."

Sec. 7. That Sections 32, 33, 35, 37, 38, and 39, all of Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, be amended so as to hereafter read as follows:

"Sec. 32. The Commissioners Court of each county in the State upon its own motion may order an election wherein the qualified voters of any county or of any justice precinct or incorporated town or city may by the exercise of local option determine whether or not the sale of alcoholic beverages of one or more of the various types and alcoholic content shall be prohibited or legalized within the prescribed limits of such county, justice precinct, or incorporated town or city; and local option elections shall be called by the Commissioners Court upon proper petition as herein provided. Upon the application of any one or more qualified voters of any county, justice precinct, or incorporated town or city, the County Clerk of such county shall issue to the applicant or applicants a petition to be circulated among the qualified voters thereof for the signatures of those qualified voters in such area who desire that a local option election be called therein for the purpose of determining whether the sale of alcoholic beverages of one or more of the various types and alcoholic content shall be prohibited or legalized within the

prescribed limits of such county, justice precinct or incorporated town or city. The petition so issued shall clearly state the issue or issues to be voted upon in such election; each such petition shall show the date of its issue by the County Clerk and shall be serially numbered, and each page of such petition shall bear the same date and serial number, and shall bear the seal of the County Clerk. The County Clerk shall deliver as many copies of said petition as may be required by the applicant and each copy shall bear the date, number and seal on each page as required in the original. The County Clerk shall keep a copy of each such petition and a record of the applicants therefor. When any such petition so issued shall within one hundred and twenty (120) days after the date of issue be filed with the Clerk of the Commissioners Court bearing the actual signatures of as many as twenty (20) per cent of the qualified voters in any such county, justice precinct, incorporated town or city, together with a notation showing the voting precinct wherein each of the said signers resides, taking the votes for Governor at the last preceding General Election as the basis for determining the qualified voters in any such county or political subdivision, it is hereby required that the Commissioners Court at its next regular session shall order a local option election to be held upon the issue or issues set out in such petition. It shall be the duty of the County Clerk to check the names of the signers of any such petition and the voting precincts in which they reside to determine whether or not the signers of such petition are in fact qualified voters of the county or political subdivision at the time such petition is presented, and to certify to the Commissioners Court the number of qualified voters signing such petition. No signature shall be counted where there is reason to believe that it is not the actual signature of the purported signer. The minutes of the Commissioners Court shall record the date any such petition is presented, the names of the signers thereof, and the action taken with relation to the same. No subsequent election upon the same issue in the same political subdivision shall be

held within two (2) years from the date of the preceding local option election in any county or political subdivision thereof."

"Sec. 33. When the Commissioners Court shall order an election as herein provided for, it shall be the duty of said Court to order such election to be held at the voting places within such county or subdivision thereof, upon a day not less than thirty (30) nor more than sixty (60) days from the date of said order, and the order thus made shall state the issue or issues to be voted upon in such election, and said order shall be held to be prima facie evidence that all provisions necessary to give it validity or to clothe the court with jurisdiction to make it valid, have been duly complied with; provided that such Court shall appoint such officers to hold such elections as are now required to hold General Elections."

"Sec. 35. (a) At said election the vote shall be by official ballot which shall have printed or written thereon at the top thereof in plain letters the words 'Official Ballot.' Said ballot shall have also written or printed thereon the issue or issues appropriate to the election order as provided in Section 40 of this Act, and the Clerk of the Court shall furnish the presiding officer of each voting box within such subdivision or county with a number of such ballots, to be not less than twice the number of qualified voters at such voting boxes, and the presiding officer of each voting box shall write his name on the back of each ballot before delivering the same to the voter, and each person offering to vote at each election shall, at the time he offers to vote, be furnished by such presiding officer with one such ballot; and no voter shall be permitted to depart with such ballot and shall not be assisted in voting by any person except such presiding officer or by some officer assisting in the holding of such election, under the direction of such presiding officer when requested to do so by such voter.

"(b) In elections to legalize the sale of alcoholic beverages those in favor of such legalization shall erase the words 'Against legalizing the

sale of, etc.' by making a pencil mark through same; and those who oppose such legalization shall erase the words 'For legalizing the sale of, etc.' by making a pencil mark through same.

"In elections to prohibit the sale of alcoholic beverages those who favor such prohibition shall erase the words 'Against prohibiting the sale of, etc.' by making a pencil mark through same; and those who oppose such prohibition shall erase the words 'For prohibiting the sale of, etc.' by making a pencil mark through same. No ballot shall be received or counted by the officers at such elections that is not an official ballot, and that has not the name of the presiding officer of such election written thereon in the handwriting of such presiding officer as provided by this Act."

"Sec. 37. Said Court shall hold a special session on the fifth day after the holding of said election, or as soon thereafter as practicable, for the purpose of canvassing the votes and certifying the results, and if a majority of the voters favor the issue 'For prohibiting the sale, etc.' or 'Against legalizing the sale, etc.' as to any alcoholic beverages of the various types and alcoholic content, said Court shall immediately make an order declaring the results of said vote and absolutely prohibiting the sale of such prohibited type or types of alcoholic beverages within the political subdivision after thirty (30) days from the date of declaring the results thereof, and thereafter until such time as the qualified voters therein may thereafter at the legal election held for such purpose by a majority vote decide otherwise; and the order thus made shall be held as prima facie evidence that all provisions of law have been complied with in giving notice of and holding said election and counting and returning the votes and declaring the results thereof."

"Sec. 38. The order of said Court declaring the result and prohibiting the sale of any or all types of alcoholic beverages shall be published by the posting of said order at three (3) public places within the county or the political subdivision in which the election was held, which fact

shall be entered by the County Judge on the minutes of the Commissioners Court. An entry thus made or a copy thereof certified under the hand and seal of the Clerk of the Court shall be prima facie evidence of such posting."

"Sec. 39. If a majority voting at such election favor the issue 'For legalizing the sale, etc.' or 'Against prohibiting the sale, etc.' as to any alcoholic beverages of the various types and alcoholic content, the Court shall make an order declaring the results and have the same entered of record in the office of the Clerk of said Court, whereupon it shall be lawful in such political subdivision to manufacture, sell or distribute such type or types of alcoholic beverages as may be favored in the election in accordance with the terms of this Act, until such time as the qualified voters therein may thereafter, at a legal election held for that purpose, by a majority vote decide otherwise, and the order thus made shall be held prima facie evidence that all the provisions of law have been complied with in giving notice of and holding said election and counting and returning the votes and declaring the results thereof. It shall be the duty of the County Clerk within three (3) days after the results of any such election have been declared to certify such results to the Secretary of State at Austin."

Sec. 8. That Section 41, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 39, Chapter 448, being House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, be further amended so as to hereafter read as follows:

"Sec. 41. Any person who violates any provision of this Act for which a specific penalty is not provided shall be deemed guilty of a misdemeanor and upon conviction be punished by fine of not less than One Hundred Dollars (\$100) and not more than One Thousand Dollars (\$1,000), or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

"The term 'specific penalty' as used in this Section means and re-

fers only to a penalty which might be imposed as a result of a criminal prosecution."

Sec. 9. That Section 42, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 41, Chapter 448, being House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, be further amended so as to hereafter read as follows:

"Sec. 42. (a) All alcoholic beverages declared by this Act to be a nuisance, and all illicit beverages as defined by this Act, and all equipment, fixtures, and property kept and used in the maintenance of an alleged nuisance may be seized with or without a warrant by any agent or employee of the Texas Liquor Control Board, or by any peace officer, and any person found in the possession or in charge thereof may be arrested without a warrant. No alcoholic beverages or articles so seized shall be replevied, but shall be stored by the Board, or by the Sheriff of the county wherein the seizure was made, to be held for final action of the Court as hereafter provided.

"(b) It shall be the duty of the Attorney General, the District Attorney, and the County Attorney, or any of them, when notified by the officer making the seizure, or by the Texas Liquor Control Board, that such seizure has been made, to institute a suit for forfeiture of such alcoholic beverages and property, such suit to be brought in the name of the State of Texas in any court of competent jurisdiction in the county wherein such seizure was made. Notice of pendency of such suit shall be served in the manner prescribed by law and the case shall proceed to trial as other civil cases. If upon the trial of such suit it is found that alcoholic beverages or property are a nuisance or were used or kept in maintaining a nuisance, under the terms of this Act, or that the alcoholic beverage is illicit, as defined by this Act, then the court trying said cause shall render judgment forfeiting the same to the State of Texas and ordering the same disposed of as provided for by Section 30 of this Article. The costs of such proceedings shall be paid by the Board, out of funds derived un-

der the provisions of said Section 30, or from any other fund available to the Board for such purpose.

"(c) As to any property or articles upon which there may be a lien, by a bona fide lien holder, the holder of such may intervene to establish his rights and shall be required to show such lien to have been granted in a bona fide manner and without knowledge of the fact at the time of creation of the lien, that any article or property upon which such lien exists had been used or was to be used in violation of this Act. If the holder of any such lien shall intervene, then the court trying said cause shall render judgment forfeiting the same to the State of Texas, and authorizing the issuance of an order of sale directed to the Sheriff or any constable of the county wherein the property was seized, commanding such officer to sell said property in the same manner as personal property is sold under execution. The court may order such property sold in whole or in part as it may deem proper and the sale shall be conducted at the courthouse door. The money realized from the sale of such property shall be applied first to the payment of the costs of suit and expenses incident to the sale and after such expenses have been approved and allowed by the court trying the case, then the further proceeds of such sale shall be used to pay all such liens according to priorities, and any remaining proceeds shall be paid to the Board to be allocated as provided in Section 30 hereof. All such liens against property sold under this Section shall be transferred from the property to the proceeds of its sale.

"(d) The Sheriff executing said sale shall issue a bill of sale and certificate to the purchaser of said property, and such bill of sale or certificate shall convey valid and unimpaired title to such property."

Sec. 10. That Section 6, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 6, Chapter 448, being House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, be further amended so as to hereafter read as follows:

"Sec. 6. Among others, the functions, powers, and duties of the Board shall include the following:

"(a) To supervise, inspect, and regulate every phase of the business of manufacturing, importation, exportation, transportation, storage, sale, distribution, possession for the purpose of sale, and possession of all alcoholic beverages, including the advertising and labeling thereof, in all respects necessary to accomplish the purposes of this Act. The Board is hereby vested with power and authority to prescribe all necessary rules and regulations to that end; to require the filing of such reports and other data by all persons engaged in any phase of the alcoholic beverage business, which it may deem necessary to accomplish the purposes of this Act; to supervise and regulate all licensees and permittees and their places of business in all matters affecting the general public, whether herein specifically mentioned or not, and to authorize its agents, servants, and employees under its direction to carry out the provisions hereof.

"(b) To grant, refuse, suspend, or cancel permits or licenses for the purchase, transportation, importation, sale, or manufacture of alcoholic beverages or other permits in regard thereto.

"(c) To investigate and aid in the prosecution of violations of this Act and other Acts relating to alcoholic beverages, to make seizures of alcoholic beverages manufactured, sold, kept, imported, or transported in contravention hereof, and apply for the confiscation thereof whenever required by this Act, and cooperate in the prosecution of offenders before any court of competent jurisdiction.

"(d) To exercise all other powers, duties, and functions conferred by this Act, and all powers incidental, convenient, or necessary to enable it to administer or carry out any of the provisions of this Act and to publish all necessary rules and regulations.

"(e) In the event the United States Government shall provide any plan or method whereby the taxes on liquor shall be collected at the source the Board shall have the right to enter into any and all contracts and

comply with the regulations, even to the extent of partially or wholly abrogating any provisions hereof which may be in conflict with Federal law or regulations to the end that the Board shall receive the portion thereof allocated to the State of Texas, and to distribute the same as in this Act is provided.

"(f) To require by rule and regulation that any liquor sold in this State shall conform in all respects to the advertised quality of such products; to promulgate and enforce rules and regulations governing labeling and advertising of all liquors sold in this State; to adopt and enforce a standard of quality, purity, and identity of all alcoholic beverages and to promulgate all such rules and regulations as shall be deemed necessary to fully safeguard the public health and to insure sanitary conditions in the manufacturing, refining, blending, purifying, bottling, and rebottling of any alcoholic beverage and the sale thereof; to adopt and enforce rules and regulations to standardize the size of containers in which liquors may be sold in this State, as well as to any representations required or allowed to be displayed or shown thereon or therein; provided that in respect to the sale of wine to retail dealers the maximum size of container shall be one (1) gallon, and as to all types of liquor the minimum size container shall be as otherwise provided in this Act.

"(g) To license, regulate, and control the use of alcohol and liquor for scientific, pharmaceutical, and industrial purposes, and to provide for the withdrawal thereof from warehouses and denaturing plants by regulation, and to prescribe the manner in which the same may be used for scientific research or in hospitals and in sanatoria, in industrial plants, and for other manufacturing purposes, tax-free."

This Section shall take effect and be in force at midnight August 31, 1941.

Sec. 11. That Section 11, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 11, Chapter 448, being House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, be fur-

ther amended so as to hereafter read as follows:

"Sec. 11. The Board or Administrator shall refuse to issue a permit to any applicant either with or without a hearing if it has reasonable grounds to believe and finds any of the following to be true:

"(1) That the applicant has been convicted for the violation of any provision of this Act during the two (2) years next preceding the filing of his application.

"(2) That the applicant has violated or caused to be violated any provision of this Act or any rule or regulation of the Board during the twelve-month period preceding the date of his application.

"(3) That the applicant has failed to answer or has incorrectly answered any of the questions on the application.

"(4) That the applicant is indebted to the State for any taxes, fees, or penalties imposed by this Act or by any rule or regulation of the Board.

"(5) That the applicant is not of good moral character, that his reputation for being a peaceable, law-abiding citizen in the community where he resides is bad, or that he is under twenty-one (21) years of age.

"(6) That the place or manner in which the applicant may conduct his business is of such nature which based on the general welfare, health, peace, morale, and safety of the people and on the public sense of decency warrants a refusal of a permit.

"(7) That the applicant is in the habit of using liquor to excess.

"(8) That the Board or Administrator believes or has reason to believe that the applicant will sell or knowingly permit any agent, servant, or employee to unlawfully sell liquor in dry area or in any other manner contrary to law.

"(9) When the word applicant is used in (1) to (8) in this Section, it shall also mean and include each member of a partnership or association and all officers and the owner or owners of the majority of the corporate stock of a corporation.

"(10) It is hereby declared that the provisions of this Section are required to be applied only to applicants who are newly engaging in the

liquor business or whose permits or licenses have been cancelled under any authority contained in this Act. As to those applicants seeking renewal of permits the Board or Administrator shall be vested with discretionary authority to refuse or grant such permits under the restrictions of this Section."

Sec. 12. That Section 12, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 12, Chapter 448, being House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, be further amended so as to hereafter read as follows:

"Sec. 12. The Board or Administrator may cancel or may suspend for any period of time not exceeding sixty (60) days, after notice and hearing any such permit granted if it is found that any of the following is true:

"(1) That the permittee has at any time been convicted for the violation of any provision of this Act.

"(2) That the permittee has violated any provision of this Act or any rule or regulation of the Board at any time.

"(3) That the permittee has made any false or misleading representation or statement in his application.

"(4) That the permittee is indebted to the State for any taxes, fees, or penalties imposed by this Act or by any rule or regulation of the Board.

"(5) That the permittee is not of good moral character, or that his reputation for being a peaceable and law-abiding citizen in the community where he resides is bad.

"(6) That the place or manner in which permittee conducts his business is of such a nature which, based on the general welfare, health, peace, morale, and safety of the people and on the public sense of decency, warrants the cancellation or suspension of the permit.

"(7) That the permittee is not maintaining an acceptable bond.

"(8) That the permittee maintains a noisy, lewd, disorderly, or insanitary establishment or has been supplying impure or otherwise deleterious beverages.

"(9) That the permittee is insolvent or incompetent or physically unable to carry on the management of his establishment.

"(10) That the permittee is in the habit of using liquor to excess.

"(11) That either the permittee, his agents, servants, or employees have misrepresented to a customer or the public any liquor sold by him.

"(12) Where the word 'permittee' is used in (1), (2), (3), (5), (6), and (10), of this Section it shall also mean and include each member of a partnership or association and each officer and the owner or owners of the majority of the corporate stock of a corporation."

Sec. 13. That Subsection (9) of Section 15, as appearing in Section 16, Chapter 448, being House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, as amending Subsection (h), Section 15, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, be further amended so as to hereafter read as follows:

"(9) Agent's Permit. An Agent's Permit shall authorize the holder thereof to:

"(a) Represent only the holders of permits within this State, other than retail permittees, authorized to sell liquor to retail dealers in Texas;

"(b) Solicit and take orders for the sale of liquor from only authorized permit holders.

"No such permit shall be granted to any person until he shall show to the satisfaction of the Board that he has been employed or authorized to act as an agent for the holder of a permit required by this Act.

"It is not intended that an Agent's Permit shall be required of the employee of a permit holder who sells liquor but who remains on the licensed premises in making such sale.

"No person holding an Agent's Permit shall be entitled to a Manufacturer's Agent's Permit.

"It shall be unlawful for the holder of an Agent's Permit to transport or carry liquor as samples; provided that nothing herein shall restrict such person from carrying or displaying empty sample containers.

"The annual fee for such permit shall be Five Dollars (\$5)."

This Section shall take effect and be in force at midnight August 31, 1941.

Sec. 14. That Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Article III of Chapter 495, being House Bill No. 8, Acts of the Third Called Session of the Forty-fourth Legislature, and by Chapters 32 and 448, being House Bills Nos. 432 and 5, respectively, of Acts of the Regular Session of the Forty-fifth Legislature, and by Chapter 13, being Senate Bill No. 20, Acts of the First Called Session of the Forty-fifth Legislature, and by House Bills No. 8 and 373, Acts of the Regular Session of the Forty-seventh Legislature, be further amended by the addition of new sections designated as Sections 15½, 41-A, 43-A and 43-B, to hereafter read as follows:

"Sec. 15½. A. (1) Nonresident Seller's Permit: A Nonresident Seller's Permit shall be required of all distillers, wineries, importers, brokers, and others who sell liquor to the holders of permits authorizing the importation of liquor into Texas, regardless of whether such sales are consummated within or without the State. Such permit shall authorize the holder thereof to:

"(a) Solicit or take orders for liquor from only the holders of permits authorized to import liquor into this State;

"(b) Ship, or cause to be shipped, liquor into Texas only in consummation of sales made to the holders of permits authorized to import liquor into Texas.

"(2) No permit shall be granted to an applicant for a Nonresident Seller's Permit until it shall have been shown by the applicant that he has first filed with the Secretary of State a certificate certifying that he has appointed an agent, resident within this State, together with the street address and business of such agent. All notices of hearing for refusal, cancellation, or suspension may be served upon the designated agent as required herein, or upon the permittee, or, if a corporation, upon any officer thereof, or upon any other agent of the nonresident seller authorized as such to sell liq-

uor in this State, and all proceedings as to such hearings shall be as is otherwise provided by this Act. Service of notice in such manner shall constitute due process; provided further, that if any permittee shall have failed to maintain within this State a designated agent for service as herein required, service may be had on the Secretary of State, and it shall be the duty of the Secretary of State to send any citation served on him to the holder of the permit by registered mail, return receipt requested, and such receipt shall be prima facie evidence of service upon the permittee.

"(3) The Board shall promulgate and enforce rules and regulations requiring the filing of monthly reports supported by copies of invoices relating to liquor sold or purported to be sold to all persons within this State by the holders of Nonresident Seller's Permits. Such report form shall be prescribed and furnished by the Board.

"(4) It shall be unlawful for any person holding a Nonresident Seller's Permit, or for any officer, director, agent or employee thereof, or for any affiliate, whether corporate or by management, direction or control, to:

"(a) Hold or have an interest in the permit, business, assets or corporate stock of any person authorized to import liquor into this State for the purpose of resale; provided that such restrictions shall not be applicable to any such interest acquired on or before January 1, 1941.

"(b) Fail to make and file a report with the Texas Liquor Control Board in Austin, Texas, as and when required by any authorized rule and regulation of the Board.

"(c) Sell liquor for resale within this State which does not meet the standards of quality, purity and identity of regulations adopted by the Board.

"(d) Advertise any liquor contrary to the laws of this State, or of the regulations of the Board, or to sell liquor for resale in Texas contrary to the labeling and advertising regulations of the Board.

"(e) Sell liquor for resale in Texas or to cause liquor to be brought into this State in any size

container prohibited by law or regulations of the Board.

"(f) Solicit or take orders for liquor from any person not authorized to import liquor into Texas for the purpose of resale.

"(g) Induce, persuade or influence any person, or to conspire with any person, or to attempt to induce, persuade or influence any person, to violate this Act or any regulation of the Board.

"(h) Violate any provision of Section 17, Article I, of this Act.

"(i) Exercise any privilege conveyed under a Nonresident Seller's Permit during the pendency of an order of suspension imposed by the Board or Administrator.

"(5) All liquor and the containers thereof sold, imported or shipped into this State, or possessed, stored or transported in violation of the restrictions contained in this Section are hereby declared illicit and subject to seizure and forfeiture as otherwise provided for 'illicit beverages.'

"(6) In event of cancellation or suspension of any Nonresident Seller's Permit, the Board shall give immediate notice thereof in writing to all holders of permits authorized to import liquor into this State.

"(7) Every holder of a Nonresident Seller's Permit shall permit any State Officer to make examination of all books, accounts, records, minutes, letters, memoranda, documents, checks, vouchers, telegrams, constitution and by-laws, and other records of said permittee as often as may be deemed necessary by such Officer. A written request shall be made to the permittee or his duly authorized manager or representative, or, if a corporation, to any officer thereof, at the time such Officer desires to examine the business of said permittee. It shall be the duty of the person to whom said request is presented to immediately permit the said Officer to inspect and examine all the said books, records, and other documents of such permittee, and to answer under oath any questions propounded by such Officer with reference thereto. The said State Officer shall have the power and authority to make investigation into the organization, conduct, and management of any person holding a

Nonresident Seller's Permit and he shall have authority to inspect and examine any of its books, records, and other documents and to take such copies thereof as in his judgment may show or tend to show that said permittee has been or is engaged in violation of its rights and privileges or in violation of any law of this State. No such State Officer as herein provided shall make public or use documents or information derived in the course of examination of records or documents, except in the course of some proceeding in which the Board or the State is a party, either judicial in nature or in an action instituted to suspend or cancel the permit or to collect taxes due or penalties for violation of the laws of this State, or for the information of any officer of this State charged with the enforcement of its laws. If any permittee or his duly authorized representative shall fail or refuse to permit examination of records as herein provided or shall refuse to answer any questions propounded by such Officer incident to the examination or investigation in progress, or shall refuse to permit a State Officer to take copies of any of said books, records, or other documents, whether same be situated within or without this State, his permit shall be subjected to suspension or cancellation as provided in this Act.

"'State Officer' as used in this Section shall mean and include any representative of the Texas Liquor Control Board, the Attorney General of Texas, or any assistant or representative of such Attorney General.

"(8) All holders of Nonresident Seller's Permits shall be required to designate in such manner and on such forms as may be required by the Board those persons authorized as agents to represent such permit holder in this State, and any failure to do so shall constitute a violation of this Act.

"(9) No fee shall be paid for a Nonresident Seller's Permit.

"B. Manufacturer's Agent's Permit. A Manufacturer's Agent's Permit shall authorize the holder thereof to:

"(a) Represent only the holders of Nonresident Seller's Permits;

"(b) Solicit and take orders for the sale of liquor from only the holders of permits authorized to import liquors for the purpose of resale.

"No such permit shall be granted to any person until he shall show to the satisfaction of the Board that he has been duly authorized to act as agent of the principal he proposes to represent.

"No person holding a Manufacturer's Agent's Permit shall be entitled to an Agent's Permit.

"It shall be unlawful for the holder of a Manufacturer's Agent's Permit to transport or carry liquor as samples; provided that nothing herein shall restrict such person from carrying or displaying empty sample containers.

"The annual fee for such permit shall be Five Dollars (\$5)."

This Section shall take effect and be in force midnight August 31, 1941.

"Sec. 41-A. If it be shown upon the trial of a case involving violation of this Act that the defendant has once before been convicted of violating this Act since the effective date hereof, then, and in that event, conviction shall require the assessment of a fine of not less than Two Hundred Dollars (\$200) and not more than One Thousand Dollars (\$1,000) or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment; further provided that if it be shown upon the trial of a case involving a violation of this Act that the defendant has two or more times before been convicted of violating this Act since the effective date hereof, upon the third or any subsequent conviction the penalty shall be that of a felony, requiring imprisonment for not less than six (6) months and not more than five (5) years. Any prior conviction cited to enhance the penalty as herein provided may be used and cited any number of times to enhance the penalty upon any subsequent conviction.

"Sec. 43-A. No permit or license applied for under the terms of this Act may be issued to any person upon an application, either for an original license or permit, or for any license or permit sought to be transferred from another location, when the premises for which the permit or

license is sought is licensed under any permit or license against which an order of suspension by the Board or Administrator is pending or unexpired, or against which existing permit or license the Board has initiated action to cancel or suspend.

"Sec. 43-B. When the terms 'citizen of Texas' and 'citizen of this State' are used in this Act, they shall mean not only citizenship in Texas, as required by this Act, but shall also require citizenship in the United States."

Sec. 15. That Section 17, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fifth Legislature, as amended by Section 22, Chapter 448, being House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, and by Section 5, Chapter 13, being Senate Bill No. 20, Acts of the First Called Session of the Forty-fifth Legislature, be further amended so as to hereafter read as follows:

"Sec. 17. (1) It shall be unlawful for any person holding a Package Store Permit, or owning an interest in a package store, to have any interest, either directly or indirectly, in a Wine and Beer Retailer's Permit, or Beer Retailer's License, or the business thereof; provided, that it shall not be unlawful for a person holding a Wine-Only Package Store Permit to also hold a Beer Retail Dealer's Off-Premise License.

"(2) It shall be unlawful for any person to hold or have an interest in more than five (5) package stores or the business thereof. It shall further be unlawful for any person to hold or have an interest in more than five (5) package store permits.

"(3) It shall be unlawful for any person who owns or has an interest in the business of a distiller, brewer, rectifier, wholesaler, winery, or wine bottler, or any agent, servant, or employee:

"(a) to own or have an interest, directly or indirectly, in the business, premises, equipment or fixtures of any retailer;

"(b) to furnish, give, or lend any money, service, or other thing of value, or to guarantee the fulfillment of any financial obligation of any retailer;

"(c) to make or enter or offer to enter into an agreement, condition,

or system, the effect of which will amount to the shipment and delivery of alcoholic beverages on consignment;

"(d) to furnish, give, rent, lend, or sell to any retail dealer any equipment, fixtures, or supplies to be used in the selling or dispensing of alcoholic beverages;

"(e) to pay or make any allowances to any retailer for a special advertising or distribution service, or to allow any excessive discounts;

"(f) to offer any prize, premium, gift, or other similar inducement to any retailer or consumer, or the agent, servant, or employee of either.

"(4) It shall be unlawful for any person operating under a permit under Article I of this Act to refuse to allow the Board, or any authorized representative of the Board, or any peace officer, upon request to make a full inspection, investigation, or search of any licensed premise or vehicle.

"(5) It shall be unlawful for any person to employ anyone under twenty-one (21) years of age to sell, handle, transport, or dispense or to assist in selling, handling, transporting or dispensing any liquor unless otherwise provided.

"(6) It shall be unlawful for any person who holds a permit under Article I of this Act to contribute any money or anything of value toward the campaign expenses of any candidate for any office in this State.

"(7) It shall be unlawful for any person to possess, buy, sell, or offer to buy or sell any empty carton, case, package, keg, barrel, bottle, or any other kind of container whereon the State tax stamp has not been mutilated or defaced.

"(8) It shall be unlawful for any person to break or open any container containing liquor, or to possess such opened container of liquor on the premises of a package store.

"(9) It shall be unlawful for any person to sell, barter, exchange, deliver, or give away any drink or drinks of liquor to any person from a package or container that has for any reason been opened or broken on the premises of a package store.

"(10) It shall be unlawful for any person to fail or refuse to comply with any requirement of this Act or

with any valid rule and regulation of the Board.

"(11) It shall be unlawful for any person, directly or indirectly, to be interested in, connected with, or be a party to a consignment sale as herein defined.

"(12) It shall be unlawful for any person to have in his possession, to transport, manufacture, or sell any illicit beverage.

"(13) It shall be unlawful for any person to import, sell, offer for sale, barter, exchange, or possess for the purpose of sale any liquor the container of which contains less than one-half pint; provided, however, that in the case of malt or vinous liquors a six (6) ounce container shall be the minimum.

"(14) It shall be unlawful for any person to have curtains, hangings, signs, or any other obstruction which prevents a clear view of the interior of any package store; provided, however, that this shall not apply to a drug store which holds a package store permit so as to prevent the display of drug merchandise.

"(15) It shall be unlawful for any person to sell or offer to sell any alcoholic beverage that shall have been authorized by any permit or license held by him after notice of cancellation or suspension of such permit or license by the Board shall have been given.

"(16) It shall be unlawful for any carrier to import into this State and deliver any liquor to any person not authorized to import the same, or to transport and deliver liquor to any person in a dry area in this State, unless the same be for a lawful purpose as provided in this Act.

"(17) It shall be unlawful for any person to manufacture, import, sell, or possess for the purpose of sale any alcoholic beverages made from dried grapes, dried fruits, and dried berries, or any compounds made from synthetic materials, substandard wines or from must concentrated at any time to more than eighty degrees (80°) Balling.

"(18) It shall be unlawful for any person to import or to transport into this State from any place outside the State any liquor, in containers to which have not been affixed

proper State tax stamps, consigned to, intended for delivery to, or being transported to any person or place located within the State boundaries, unless the same shall be consigned to the holder of a Wholesaler's Permit authorizing the sale of such liquor and at his place of business.

"(19) It shall be unlawful for any person to use, display, or to exercise any privilege granted by a permit except at the place, address, premises, or location for which the permit is granted.

"(20) It shall be unlawful for any person to consent to the use of or to allow his permit to be displayed by or used by any person other than the one to whom the permit was issued.

"(21) It shall be unlawful for any holder of either an Agent's Permit or a Manufacturer's Agent's Permit to solicit or take orders for the sale of liquor, or to represent himself as an agent of any person, other than the person designated in the application for permit as being represented.

"(22) It shall be unlawful for the holder of a Wholesaler's, Class B Wholesaler's, or Wine Bottler's Permit, or any agent, servant or employee thereof, to sell or deliver liquor to any person who is not the holder of a permit authorizing the resale of liquor in this State.

"(23) It shall be unlawful for any retail dealer, or any agent, servant, or employee thereof, to conspire with any person to violate any of the provisions of this Section or to accept the benefits of any act prohibited by this Section.

"(24) It shall be unlawful for the holder of any permit provided for in this Act authorizing the importation of liquor, or the agent or employee of such person, to purchase from, order from, or give an order to, any person who is not the holder of a Nonresident Seller's Permit, or any holder of a Nonresident Seller's Permit during the period of any suspension ordered by the Board or Administrator against any such Nonresident Seller's Permit after such authorized importer has received notice of such suspension."

This Section shall take effect and be in force at midnight August 31, 1941.

Sec. 16. That Subsection (12), Section 15, as appearing in Section 16, Chapter 448, being House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, amending Subsection (k), Section 15, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 2 of Chapter 13, being Senate Bill No. 20, Acts of the First Called Session of the Forty-fifth Legislature, be further amended so as to hereafter read as follows:

"(12) Private Carrier Permit. The holder of Brewer's, Distiller's Class A Winery, Class B Winery, Rectifier's, Wholesaler's, Class B Wholesaler's, and Wine Bottler's Permits shall be entitled to transport liquor to or from the place of sale or distribution and to make deliveries to purchasers upon vehicles owned in good faith by such permittees when such transportation is for a lawful purpose; provided, however, that such permittees shall not be permitted to engage in the business of transporting for hire such liquor in violation of the motor carrier laws of this State, and any such permittee desiring to engage in such business for hire shall first secure a certificate or permit, as the case may be, from the Railroad Commission of Texas under the terms of the motor carrier laws, and shall be required to comply with the provisions of such laws. Motor vehicles used for such transportation shall be fully described in the application for a private carrier permit and such application shall contain all information which shall be required by the Board. All vehicles used for such transportation within the State by such permittees shall have printed or painted on said vehicles such designation as may be required by the Board. It shall be unlawful for any such permittee above-named to transport liquors in any vehicle not fully described in his application for a permit.

"The annual fee for such permit shall be Five Dollars (\$5)."

Sec. 17. That Section 45, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 43, Chapter 448, being House Bill No. 5, Acts of the Regular Session

of the Forty-fifth Legislature, be further amended so as to hereafter read as follows:

"Sec. 45 (a) It shall be the duty of the Texas Liquor Control Board and the Board of Control to have engraved or printed all necessary liquor and beer tax stamps as provided in both Articles I and II of this Act. Such stamps shall be of such design and denomination as the Texas Liquor Control Board shall from time to time prescribe and shall show the amount of tax, the payment of which is evidenced thereby, and shall contain the words 'Texas State Tax Paid.' All contracts for stamps required by this Act shall be let by the Board of Control as provided by law. The Texas Liquor Control Board is authorized to expend all necessary funds from time to time to keep on hand an ample supply of such stamps.

"(b) The State Treasurer shall be responsible for the custody and sale of such stamps and for the proceeds of such sales under his official bond. He shall sell same to such qualified persons as may be designated by the Board and to no other person. The Treasurer shall have power to designate any State or National Bank in this State as his agent to deliver and collect for any stamps and to remit the proceeds thereof to him. Invoices for liquor stamps shall be issued by the State Treasurer in triplicate and numbered consecutively. The original of such invoices shall be forwarded to the purchaser or to the person in whose care they may be sent for the benefit of a qualified purchaser, the duplicate to the Texas Liquor Control Board, and the triplicate shall be retained by the State Treasurer. The duplicate copies shall be transmitted daily to the Board in such manner and shall be accompanied by such statements as the Board may require. The State Treasurer shall make and keep a permanent record of all stamps received by him as well as all stamps sold. Such record shall provide a perpetual inventory of all stamps and the disposition thereof and shall at all times be available to the Board or its authorized representatives.

"(c) The Board shall by rule and regulation prescribe the manner in

which stamps shall be delivered by the State Treasurer to the Board for use and sale by its inspectors in charge of ports of entry.

"(d) Refunds for liquor stamps may be made by the Board from the revenue derived from the sale of such stamps before the same has been allocated, and so much of such funds as may be necessary is hereby appropriated for that purpose. A refund may be made by the Board in all cases where stamped liquor is returned to the distillery or manufacturer upon certification by an Inspector for the Board who inspected the shipment. The Board may also make a refund to any person who was authorized to purchase stamps and who is in possession of unused liquor stamps upon discontinuation of business. In either instance it must be shown that the stamps for which a refund is asked were purchased from the State Treasurer. No other refunds for liquor stamps shall be allowed."

Sec. 17-A. That Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by House Bill No. 8, Acts of the Third Called Session of the Forty-fourth Legislature, and by House Bill No. 432, being Chapter 32, Acts of the Regular Session of the Forty-fifth Legislature, and by House Bill No. 5, being Chapter 448, Acts of the Regular Session of the Forty-fifth Legislature, and by Senate Bill No. 20, being Chapter 13, Acts of the First Called Session of the Forty-fifth Legislature, and by House Bills Nos. 8 and 373, both being Acts of the Regular Session of the Forty-seventh Legislature, be further amended by the addition of a new section, designated as Section 16-A, to read as follows:

"Sec. 16-A. It is hereby declared to be legislative policy that the extension of unlimited credits and unlimited discounts in promotion of quantitative sales of liquor is contrary to the general welfare and to the promotion of temperance by fostering marketing practices, subsidies, and sales inducements calculated to increase the sales of liquor and, thereby, its consumption.

"The Texas Liquor Control Board is hereby authorized, after notice and hearing and finding of facts, to pro-

mulgate and enforce rules and regulations for the purpose of restricting and limiting the extension of credits and the granting of discounts, subsidies, or rebates as relating to sales of liquor by the holders of manufacturing, rectifying, bottling and wholesale classes of permits to retail dealers, and, further, to require the keeping of such records and the making of such reports as will permit the enforcement of such regulations to the end that retail dealers may be discouraged from purchasing liquors in excess of ordinary means to pay and be further restrained from entering into deals, transactions, and agreements designed to place liquors into the channels of illicit or unlawful distribution and sale, or by which such retail dealers shall be influenced or subsidized to increase the sale and distribution of any quantity or quantities of liquor for the purpose of realizing or obtaining the benefit of inducements, discounts, or rebates calculated to increase the sale or consumption of liquor in this State."

Sec. 17-B. That Section 29, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, be amended so as to hereafter read as follows:

"Sec. 29. (a) Any room, building, boat, structure, or place of any kind where alcoholic beverages are sold, bartered, or manufactured, stored, or possessed in violation of this Act, or under conditions and circumstances contrary to the purposes of this Act, or any room, building, boat, structure, or place open to the public, or where commodities or services are sold or rendered to the public in which persons are found resorting for the purpose of drinking alcoholic beverages of any type or alcoholic content not legalized for sale therein for beverage purposes in the areas where such place is situated under the local option provisions of this Act, and all such beverages and all property kept and used in said place, hereby are declared to be a common nuisance; and any person who maintains or assists in maintaining such common nuisance shall be guilty of a violation of this Act. The Attorney General, the County Attorney, or the District Attorney in the county wherein such nuisance exists or is kept or main-

tained may maintain an action by injunction in the name of the State of Texas to abate and temporarily and permanently enjoin such nuisance. Such proceedings shall, except as otherwise herein provided, be guided by the rules of other injunction proceedings. The plaintiff shall not be required to give bond in such action and the final judgment shall constitute a judgment in rem against the property as well as a judgment against the defendant. Upon such final judgment the court shall order that said room, house, building, structure, boat, or place of any kind shall be closed for a period of one year, or closed for a part of said time and until the owner, lessee, tenant, or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal sum of not less than One Thousand Dollars (\$1,000), payable to the State and conditioned that alcoholic beverages will not thereafter be manufactured, bartered, possessed, stored, or sold, or otherwise disposed of therein, or kept thereon or therein, with the intent to sell or otherwise dispose of contrary to law, that the provisions of this Act will not be violated, that no person shall be permitted to resort thereon or therein for the purpose of drinking alcoholic beverages of any type or alcoholic content not legalized in the area where such place is situated under the local option provisions of this Act, and that the owner, lessee, tenant, or occupant thereof will pay all fines, costs, and damages assessed against him for any violation of this Act. If any condition of such bond is violated by either the owner, lessee, tenant, or occupant thereof, the whole amount may be recovered as a penalty for the use of the county wherein the premises are situated.

"(b) Upon any appeal from the judgment of the District Court such judgment shall not be superseded except upon the posting of an appeal-pending bond in the penal sum of not more than Five Hundred Dollars (\$500.00), in addition to bond for costs of such appeal.

"(c) 'Appeal-pending bond' as used in this Section shall mean a bond to be approved by the District Court, required to be posted before

the judgment of the trial court may be superseded on appeal, and conditioned that in the event the judgment of the trial court is finally affirmed it may be forfeited in the same manner for any of the causes for which a bond required upon final judgment may be forfeited as to any acts committed during the pendency of appeal."

Sec. 18. That Section 1 of Article II as appearing in Section 49, Chapter 448, being House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, amending Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, be amended so as to hereafter read as follows:

"Section 1. Where used in this Article, unless expressly stated otherwise:

"(a) The term 'barrel' means, as a standard of measure, a quantity of beer equal to thirty-one (31) standard gallons.

"(b) The term 'beer' means a malt beverage containing one-half of one per cent or more of alcohol by volume and not more than four (4) per cent of alcohol by weight, and shall not be inclusive of any beverage designated by label or otherwise by any other name than beer.

"(c) The term 'board' means Texas Liquor Control Board.

"(d) The term 'container' means any container holding beer in quantities of one barrel, one-half barrel, one-quarter barrel, one-eighth barrel, or any bottle or can having a capacity of twelve (12) fluid ounces, twenty-four (24) fluid ounces, and thirty-two (32) fluid ounces, and no container of any other capacity shall be authorized.

"(e) The term 'licensee' means any holder of a license provided in this Article, or any agent, servant, or employee thereof.

"(f) The term 'manufacturer' means a person engaged in the manufacture or brewing of beer whether located within or without the State of Texas.

"(g) The term 'original package' means any container holding one barrel, one-half barrel, one-quarter barrel, or one-eighth barrel of beer in bulk, or any box, crate, carton, or other device used in pack-

ing beer that is contained in bottles or other containers.

"(h) The term 'person' shall mean and refer to any natural person or association of natural persons, trustees, receiver, partnership, corporation, organization, or the manager, agent, servant, or employee of any of them."

Sec. 19. That Subsection (f) of Section 3, Article II, as appearing in Section 49, Chapter 448, being House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, amending Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, be further amended so as to hereafter read as follows:

"(f) Branch License: The holder of a Manufacturer's or General Distributor's License, after obtaining the primary license in the county of his domicile or residence, may establish other places of business in any counties wherein the sale of beer is legal for the distribution of beer upon obtaining a Branch License for each such place of business as herein provided. Any Branch License issued under the provisions of this Section shall terminate at the same time as the primary license of such licensee. The annual State fee for a Branch License shall be Fifty Dollars (\$50); provided, however, that the fee for any license required to terminate in less than twelve (12) months from the date of issue shall be paid in advance at the rate of Four Dollars and Twenty-five Cents (\$4.25) for each month or fraction thereof for which the license is issued.

"To obtain a Branch License the applicant therefor shall present the primary license secured in the county of his residence to the Assessor and Collector of Taxes in the county in which the application is filed together with the fee herein provided, and it shall be the duty forthwith of such Assessor and Collector of Taxes to certify to the Texas Liquor Control Board that such application has been made and that the required fees paid, and such other information as the Board may require; and upon receiving such certificate and report from the Assessor and Collector of Taxes it shall be the duty of the Board or Administrator to issue

the Branch License accordingly.

"If, by local option election, the holder of a Branch License shall be prevented from selling beer in the county of his residence and for such reason his primary license becomes void, nevertheless he shall not be denied the right of lawfully selling beer under any existing Branch License until the normal expiration thereof; it further being provided that any such manufacturer or distributor may, upon the expiration of any such Branch License, immediately thereafter obtain in any county wherein a Branch License has been held a primary Manufacturer's or Distributor's License without the necessity of qualifying as a resident of the county in which such primary license is sought."

Sec. 20. That Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Article III of Chapter 495, Acts of the Third Called Session of the Forty-fourth Legislature, and by Chapter 448, being House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, and by Chapter 13, being Senate Bill No. 20, Acts of the First Called Session of the Forty-fifth Legislature, and by Senate Bill No. 414, Acts of the Regular Session of the Forty-seventh Legislature, be further amended by the addition of new sections designated as Sections 5-A, 10 1/2-A, 19-A and 19-B, all of which shall hereafter read as follows:

"Sec. 5-A. The restrictions as to residence in the county in which a Retail Dealer's License is applied for shall not be applicable to any retail dealer as may have qualified by law and obtained a Retail Dealer's License in the county of his residence, when such retail dealer also seeks to obtain a Retail Dealer's License in any other county."

"Sec. 10 1/2-A. All incorporated cities and towns are hereby authorized in adopting charter amendments or ordinances to distinguish between retailers selling beer for consumption on the premises where sold and those retailers, manufacturers, or distributors selling not for consumption on the premises where sold, and to provide for separate and distinct regulations."

"Sec. 19-A. As to any causes for cancellation of license herein provided, in lieu of such cancellation, the Board or Administrator shall have the discretionary power and authority to suspend any such license for a period not to exceed sixty (60) days."

"Sec. 19-B. For the purposes contemplated by this Act, conduct by any person at a place of business where the sale of beer at retail is authorized that is lewd, immoral, or offensive to public decency is hereby declared to include but not be limited to the following prohibited acts; and it shall be unlawful for any person engaged in the sale of beer at retail, or any agent, servant, or employee of said person, to engage in or to permit such conduct on the premises of the retailer:

"(a) The use of or permitting the use of loud and vociferous or obscene, vulgar, or indecent or abusive language.

"(b) The exposure of person or permitting any person to expose his person.

"(c) Rudely displaying or permitting any person to rudely display a pistol or any other deadly weapon in a manner calculated to disturb the inhabitants of such place.

"(d) Solicitation of any person for coins to operate musical instruments or other devices.

"(e) Solicitation of any person to buy drinks or beverages for consumption by the retailer or his employees.

"(f) Becoming intoxicated on licensed premises or permitting any intoxicated person to remain on such premises.

"(g) Permitting entertainment, performances, shows, or acts that are lewd or vulgar.

"(h) Permitting solicitation of persons for immoral or sexual purposes or relations.

"(i) Failing to comply with or failure to maintain the retail premises in accordance with existing sanitary and health laws of this State or any sanitary or health provision of a city ordinance."

Sec. 21. That Section 6 of Article II, as appearing in Section 49, Chapter 448, being House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, amending Article

II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, be further amended so as to read as follows:

"Sec. 6. (a) The application of any person desiring to be licensed to manufacture, distribute, or sell beer shall be filed in duplicate with the County Judge, who shall set same for a hearing at a date not less than five (5) nor more than ten (10) days from the filing of same.

"(b) Upon the filing of any application for a license, the County Clerk shall give notice thereof by posting at the courthouse door a written notice of the filing of such petition, and the substance thereof, and the date of hearing upon such petition. Any citizen shall be permitted to contest the facts stated in said petition and the applicant's right to secure license upon giving security for all costs which may be incurred in such contest should this case be decided in favor of the applicant; provided, however, no officer of a county or any incorporated city or town shall be required to give bond for such costs.

"(c) If upon hearing upon the petition of any applicant for a license the County Judge finds the facts stated therein to be true and has no other lawful reason for denying the application, he shall enter an order so certifying, and a copy of said order shall be delivered to the applicant; applicant shall thereupon present the same to the Assessor and Collector of Taxes of the county wherein the application is made and shall pay to the Assessor and Collector of Taxes the fee specified in this Article for the class of license applied for; the Assessor and Collector of Taxes shall thereupon report to the Texas Liquor Control Board upon a form prescribed by said Board certifying that the application for license has been approved and all required fees paid, and such other information as may be required by the Board, and to such certificate shall be attached a copy of the original application for license. Upon receiving such report or certification from the Assessor and Collector of Taxes, it shall be the duty of the Board or Administrator to issue the license accordingly, if it is found that the applicant

is entitled to a license, which license shall show the class of business the applicant is authorized to conduct, amount of fees paid, date, correct address of the place of business, and date of expiration, and such other information as the Board shall deem proper; provided, however, that the Board or Administrator may refuse to issue any such license if in possession of information from which it is determined that any statement contained in the application therefor is false, untrue, or misleading, or that there are other legal reasons why a license should not be issued. Upon any refusal by the Board or Administrator, applicant shall be entitled to refund of any license fee paid to the County Assessor and Collector of Taxes at the time of filing his application.

"(d) If upon hearing upon the petition of any applicant for a license the County Judge finds any facts stated therein to be untrue, the application shall be denied; and it shall be sufficient cause for the County Judge to refuse to grant any license when he has reason to believe that the applicant will conduct his business of selling beer at retail in a manner contrary to law or in any place or manner conducive to violation of the law or likely to result in any jeopardy to the peace, morals, health, or safety of the general public. There shall be sufficient legal reason to deny a license if it is found that the place, building, or premises for which the license is sought has theretofore been used for selling alcoholic beverages in violation of law at any time during the six (6) months immediately preceding the date of application, or has during that time been a place operated, used, or frequented in any manner or for any purposes contrary to the provisions of this Act, or, so operated, used or frequented for any purpose or in any manner that is lewd, immoral or offensive to public decency. In the granting or withholding of any license to sell beer at retail, the County Judge in forming his conclusions shall give due and proper consideration to any recommendations made by the District or County Attorney or the Sheriff of the county, and the Mayor and Chief of Police of any incorporated city or

town wherein the applicant proposes to conduct his business and to any recommendations made by representatives of the Board.

"(e) In the event the County Judge, Texas Liquor Control Board or Administrator denies the application for a license, he shall enter his judgment accordingly, and the applicant may within thirty (30) days thereafter appeal to the District Court of the county where such application is made, and such District Court may hear and determine such appeal in term-time or vacation and under the same rules and procedure as provided in Section 14, Article I, of this Act. In the event the judgment of the District Court shall be favorable to the applicant and an appeal is taken, a certified copy of the judgment shall be presented to the Assessor and Collector of Taxes who shall thereupon accept the fees required and make report to the Board in the manner required upon like orders issued by the County Judge. In the event the license is finally issued upon orders of the District Court and, upon appeal, the order of the District Court be reversed, then the mandate of the appellate Court shall, without further proceedings, invalidate and make void the license authorized by order of the District Court, and the holder thereof shall, upon application therefor, be entitled to a refund of the proportionate amount of unexpired fees. So much of the proceeds collected for license fees under this Article as may be necessary for refunds herein provided for are appropriated for that purpose. Any person appealing from a judgment or order under the provisions of this Section shall give bond for all costs incident to such appeal and shall be required to pay such costs if the judgment on appeal is unfavorable to the applicant, but not otherwise; provided, however, no such bond shall be required upon appeals filed on behalf of the State.

"(f) Every person making application for an original license of any class herein provided, except Branch licenses and Temporary Licenses, shall be subject at the time of the hearing thereon to a fee of Five Dollars (\$5), which fee shall, by the County Clerk, be deposited in the

County Treasury and the applicant shall be liable for no other fees except said application fee and the annual license fee required of him by this Act.

"(g) No person shall be authorized to sell beer during the pendency of his original application for a license, and no official shall advise or suggest that such action would be lawful or permitted."

Sec. 22. That Section 26 of Article II, as appearing in Section 49, Chapter 448, being House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, amending Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, and as amended by Section 20, Chapter 13, being Senate Bill No. 20, Acts of the First Called Session of the Forty-fifth Legislature, be further amended so as to hereafter read as follows:

"Sec. 26. Conviction upon criminal prosecution for any violation of this Article shall require assessment of penalty or penalties as provided in Section 41, Article I of this Act."

Sec. 23. That Section 7 of Article II, as appearing in Section 49, Chapter 448, being House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, amending Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, and as amended by Sections 13 and 14, Chapter 13, being Senate Bill No. 20, Acts of the First Called Session of the Forty-fifth Legislature, be further amended so as to hereafter read as follows:

"Sec. 7. (a) Any license issued under the terms of this Article, except Branch Licenses and Temporary Licenses specifically provided for, shall terminate one year from the date issued, and no license shall be issued for a longer term than one year. When it is desired to renew any license obtained under the procedure provided in this Article, the holder of such license shall make written application to the Assessor and Collector of Taxes of the county of the licensee's residence not more than thirty (30) days nor less than five (5) days prior to the date of expiration of the license held by him. Such application for renewal shall be signed by the applicant and contain full and complete information

required of the applicant by the Board showing such applicant is not disqualified from holding a license under this Act, and applicant shall pay to the Assessor and Collector of Taxes the appropriate license fee for the class of license sought to be renewed. The Assessor and Collector of Taxes shall thereupon transmit to the Board a copy of said application for renewal together with the certification that all required fees have been paid for the ensuing license period; and upon receiving the copy of said application and certification as to the payment of fees, the Board or Administrator may in its discretion issue the license applied for, or may within five (5) days after receipt of such application with the County Judge and submit to hearing before such County Judge in the manner required of any applicant for the primary or original license. Any applicant for renewal when such renewal is rejected by the Board or Administrator shall be entitled to refund of any license fee paid to the County Assessor and Collector of Taxes at the time of filing his application for renewal.

"(b) Any application for renewal shall be accompanied by a fee of Two Dollars (\$2), which shall be in addition to the amount required by law to be paid for annual license fees, as a renewal fee charge. Any renewal fee charges collected by the County Assessor and Collector of Taxes shall be deposited in the County Treasury as fees of office and be so accounted for by him. No applicant of license shall be required to pay any fees other than the renewal fee charge and license fees herein provided, except when required by action of the Board or Administrator to submit to hearing upon such renewal before the County Judge.

"(c) A separate license fee shall be required for every place of business where the business of manufacturing, importing, or selling beer is conducted.

"(d) No license issued under the provisions of this Article shall be assigned by the holder thereof to any person; provided, that should any holder of a license desire to change the place of business designated in such license, he may do so by applying upon a form prescribed by the

Board to the County Judge and receiving his consent or approval, but further providing that the County Judge may deny such application for change in the place of business for any cause for which an original application may be denied. Any such application may be subject to protest and hearing as though it were an original application. No additional license fees for the remaining unexpired term of the license shall be required of the applicant for change of location.

"(e) No licensee shall obtain any refund upon the surrender or nonuse of any license for the manufacture, distribution, importation, or sale of beer except as otherwise provided in this Article.

"(f) No person shall conduct as owner or part owner thereof any place of business engaged in the manufacture, distribution, importation, or sale of beer except under the name to which the license covering such place of business is issued.

"(g) Every license issued prior to the effective date hereof authorizing the manufacture, distribution, or sale of beer shall remain in force until the date of its expiration, but the licensee thereunder shall hold such license as fully subject to all the provisions of this Act, including, but not limited to, the cancellation or suspension thereof for cause as any license that may be issued on or after the effective date hereof.

"(h) Should the license of any licensee become mutilated or destroyed the Board or Administrator may issue another license by way of replacement in any manner deemed appropriate by the Board or Administrator.

Sec. 24. That Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Article III of Chapter 495, being House Bill No. 8, Acts of the Third Called Session of the Forty-fourth Legislature, and by Chapter 448, being House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, and by Chapter 13, being Senate Bill No. 20, Acts of the First Called Session of the Forty-fifth Legislature, and by Senate Bill No. 414, Acts of the Regular Session of the Forty-seventh Legislature, be further amended by the addition of

a new section designated as Section 23 1/2, to read as follows:

"Sec. 23 1/2. All funds derived from the sale of beer tax stamps shall be allocated to the use and benefit of the Old Age Assistance Fund of the State of Texas."

Sec. 25. That Section 24 of Article II, as appearing under Section 49, Chapter 448, being House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, amending Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, be further amended so as to hereafter read as follows:

"Sec. 24. (1) It shall be unlawful for any manufacturer or distributor directly or indirectly, or through a subsidiary or affiliate, any agent or any employee, or by any officer, director, or firm member:

"(a) Ownership of Interest or Real Estate: To own any interest in the business of any retail dealer in beer, or any interest of any kind in the premises in which any such retail dealer conducts his or its business.

"(b) Retail Licenses: To hold the ownership or any interest in any license to sell brewery products for consumption on the premises covered by such license, except the license of manufacturers to dispense their own products on the brewery premises.

"(c) Loans and Guaranties: To furnish, give, or lend any money or other thing of value to any person engaged or about to engage in selling brewery products for consumption on or off the premises where sold, or to any such person for the use, benefit, or relief of said person, or to guarantee the repayment of any loan or the fulfillment of any financial obligation of any person engaged or about to engage in selling beer at retail.

"(d) Consignment Sales: To make any delivery of beer under any agreement, arrangement, condition, or system whereby the person receiving the same has the right at any time to relinquish possession to or return same to the shipper, or whereby the title to such beer remains in the shipper; or to make any delivery of beer under any agreement, arrangement, condition, or system whereby the person designated as the receiver merely acts as an inter-

mediary for the shipper or seller and the actual receiver, including any delivery of beer to a factor or broker; or to employ any other method whereby any person is placed in actual or constructive possession of beer without acquiring title thereto, whereby any person designated by the shipper or seller as the purchaser did not in fact purchase the same, or to make any other kind of transaction which in law may be construed as a consignment sale.

"(e) Equipment and Fixtures: To furnish, give, rent, lend, or sell any equipment, fixtures, or supplies to any person engaged in selling brewery products for consumption on the premises where sold. This Subsection does not apply to such equipment, fixtures, or supplies furnished, given, loaned, rented, or sold prior to November 16, 1935, except that such transactions made prior to this date are not to be used as a consideration for an agreement thereafter made respecting the purchase of brewery products; provided that equipment, fixtures, or supplies furnished, given, rented, loaned, or sold to any person engaged in selling brewery products for consumption on the premises where sold, prior to November 16, 1935, when removed from the premises of such person or repossessed by any manufacturer or distributor of brewery products or by his agents or employees, shall not again be furnished, given, rented, loaned or sold to any person engaged in the sale of brewery products for consumption on the premises where sold.

"(f) Allowances and Rebates for Advertising and Distribution Service: To pay or to make any allowance to any retail dealer for an advertising or distribution service.

"(g) Prizes and Premiums: To offer any prize, premium, gift, or other similar inducement to any dealer in or consumer of brewery products.

"(h) Advertising: To publish or disseminate or cause to be published or disseminated by radio broadcast, or in any newspaper, periodical or other publication or by any sign or outdoor advertisement or any other printed or graphic matter any advertisement of any brewery product, if such advertisement causes, or

is reasonably calculated to cause, deception of the consumer with respect to the product advertised. An advertisement shall be deemed misleading if it is untrue in any particular or if directly or by ambiguity, omission, or inference, it tends to create a misleading impression. Any advertisement of or reference to alcoholic content of any brewery product or any advertisement disparaging of a competitor's products, or that is obscene or indecent, shall be unlawful.

"(i) Misbranding: To sell or otherwise introduce into commerce any brewery product that is misbranded. A product is misbranded:

"(1) Food and Drug Act Requirement—If it is misbranded within the meaning of the Food and Drug Act.

"(2) Standards of Fill—If the container is so made, formed, or filled as to mislead the purchaser, or if its contents fall below the recognized standards of fill.

"(3) Standards of Quality—If it misrepresents the standard of quality of products in the branded container.

"(4) Labels—If it is so labeled that it purports to be any product other than is actually in the container.

"(j) Exclusive Outlet: To require, by agreement or otherwise, that any retailer engaged in the sale of brewery products shall purchase any such products from such persons to the exclusion in whole or in part, of the products sold or offered for sale by any other person engaged in the manufacture or distribution of brewery products, or to require the retailer to take or dispose of a certain quota of any such product.

"(k) Commercial Bribery: To give or permit to be given money or anything of value in an effort to induce agents, employers, or representatives of customers or prospective customers to influence their employers or principals to purchase or contract to purchase brewery products from the maker of such gift, or to influence such employes or principals to refrain from dealing or contracting with competitors.

"(l) Returnable Container: It shall be unlawful for any manufacturer to accept as a return or to purchase or use any barrel, half-bar-

rel, keg, case, or bottle permanently branded or imprinted with the name of another manufacturer.

"(m) Labeling: To manufacture or sell or otherwise introduce into commerce in this State any brewery product unless it bear a label showing in plain, legible type the name and address of the manufacturer and the name of the distributor for whom any special brand is manufactured, the brand or trade name, and the net content of the bottle in terms of United States liquid measure; or to manufacture or sell, or otherwise introduce into commerce in this State any beer or container or dispensing equipment, carton, or case for beer bearing a label or imprint which by wording, lettering, numbering, or illustration, or in any other manner carries any reference or allusion or suggestion to the alcoholic strength of the product or to any manufacturing process, ageing, analysis, or scientific matter or fact, or upon which appears any such words or combination of words or abbreviations thereof, as 'strong,' 'full strength,' 'extra strength,' 'high test,' 'high proof,' 'pre-war strength,' 'full old time alcoholic strength,' or any words or figures or other marks or characters alluding or relating to 'proof,' 'balling' or 'extract,' contents of the product, or which bears a label that is untrue in any particular or which directly or by ambiguity, omission, or inference tends to create a misleading impression or causes, or is reasonably calculated to cause deception of the consumer or buyer with respect to the product.

"(n) Administrative Authority to Relax: It is hereby specifically provided that the Board may by rule and regulation relax the restrictions contained in Subdivisions (c), (e), and (g) of this Subsection in respect to the sale or gift of novelties advertising the products of the manufacturer or distributor; as to gifts made to civic, religious, or charitable organizations; as to cleaning and maintenance of coil connections for dispensing draught beer; as to the lending of equipment for special occasions; and as to acts of a courtesy nature only; provided that such regulations shall establish definite limitations not inconsistent with the general provisions of this Section.

"(2) It shall be unlawful for

any retail dealer to dispense any draft beer unless each faucet or other dispensing apparatus is equipped with a sign clearly indicating the name or the brand of the particular product being at the time dispensed through each faucet or other apparatus, which sign shall be in legible lettering and in full sight of the purchaser.

"(3) In addition to other power and authority granted by this Act to the Board or Administrator, said Board shall have the power and authority upon finding it necessary to effectuate the purposes of this Article to adopt rules and regulations to provide a schedule of deposits required to be obtained on any beer containers delivered by any licensee, and any violation of any such regulation shall be unlawful.

"(4) Provided that if any provision of this Section 24 is for any reason held unconstitutional and invalid, such decision shall not affect the validity of the remaining portions, and the Legislature hereby declares that it would have passed this Section, and each subsection, provision, sentence, clause, or phrase thereof, irrespective of the fact that any provision is declared unconstitutional."

Sec. 26. That the repeal or amendment of any section or any portion of a section of the Texas Liquor Control Act by the enactment of this Act shall not affect or impair any act done, or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any cause before such repeal or amendment shall take effect; but every such act done, or right vested or accrued, or proceeding, suit, or prosecution had or commenced shall remain in full force and effect to all intents as if such section, or part thereof, so repealed or amended had remained in force, except that where the course of practice or procedure for enforcement of such right, or the conducting of such proceeding, suit, or prosecution shall be changed, the same shall be conducted as near as may be in accordance with this Act. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time when any section or part thereof shall be repealed or amended by this Act, shall be discharged

or affected by such repeal or amendment; but prosecution and suits for such offenses, liabilities, penalties, or forfeitures shall be instituted and proceeded with in all respects as if prior statute, or part thereof, had not been repealed or amended, except that where the mode of procedure or matters of practice have been changed by this Act, the procedure had after this Act shall have taken effect in such prosecution or suit shall be, as far as practicable, in accordance with this Act.

Sec. 27. If any part, section, subsection, paragraph, sentence, clause, phrase, or word contained in this Act shall be held by the courts to be unconstitutional, such holding shall not affect the validity of the remaining portions of the Act, and the Legislature hereby declares that it would have passed such remaining portions despite such invalidity.

Sec. 28. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Sec. 29. The fact that the present law is inadequate to deal with many phases of liquor control, and the further fact that there exist some conditions requiring immediate correction in the public interest, create an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three several days in each House be suspended, and such Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

(Pending consideration of the report, Mr. Celaya occupied the Chair temporarily.)

(Mr. Harris of Dallas in the Chair.)

Mr. Bell moved that the conference report on House Bill No. 796 be adopted.

Mr. Hardeman moved as a substitute motion that the Conference Committee report on House Bill No. 796 be not adopted and that the report be sent back to the same Conference Committee for further consideration.

Mr. Bell moved to table the substitute motion by Mr. Hardeman.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called and the vote announced, as follows: Yeas, 55; nays, 52.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called and the verified vote resulted as follows:

Yeas—52

Allison	Klingeman
Alsup	Leyendecker
Bell	Lock
Bridgers	Love
Bundy	Lowry
Cato	Lyle
Celaya	McAlister
Cleveland	McDonald
Coker	McGlasson
Colson, Mrs.	McMurry
Deen	Martin
Dickson of Bexar	Montgomery
Duckett	Morris
Dwyer	Morse
Evans	Phillips
Ellis	Reed of Dallas
Favors	Ridgeway
Ferguson	Rhodes
Hartzog	Roberts
Hileman	Senterfitt
Hoyo	Simpson
Huddleston	Smith of Bastrop
Hughes	Spacek
Humphrey	Taylor
Jones	Wattner
Kinard	Winfree

Nays—50

Avant	Garland
Bailey	Hanna
Baker	Hardeman
Bray	Hargis
Brown	Harris of Hill
Bullock	Heflin
Burkett	Henderson
Carlton	Howington
Chambers	Hutchinson
Craig	Isaacks
Crossley	Kennedy
Crosthwait	Knight
Daniel	Lansberry
Dickson of Nolan	Lehman
Donald	Lucas
Dove	McLellan
Fitzgerald	Markle
Gandy	Matthews

Murray	Stubbs
Parker	Thornton
Price	Turner
Rampy	Voigt
Reed of Bowie	Walters
Sharpe	Weatherford
Smith of Atascosa	White

Absent

Bean	Huffman
Blankenship	Kelly
Boone	McNamara
Brawner	Manford
Carrington	Morgan
Clark	Pevehouse
Davis	Shell
Eubank	Skiles
Files	Spangler
Fuchs	Stanford
Goodman	Stinson
Hobbs	Whitesides

Absent—Excused

Allen	Little
Benton	McCann
Bruhl	Manning
Burnaman	Mills
Connelly	Moore
Gilmer	Nicholson
Halsey	Pace
Helpinstill	Roark
Howard	Sallas
Kersey	Vale
King	

The Chair announced that the motion to table the substitute motion by Mr. Hardeman prevailed.

Mr. Hardeman moved that further consideration of the Conference Committee Report on House Bill No. 796 be postponed until 11 o'clock a. m. tomorrow.

On motion of Mr. Bell, the motion to postpone was tabled.

The Conference Committee report on House Bill No. 796 was then adopted by the following vote:

Yeas—71

Allison	Celaya
Alsop	Chambers
Bell	Cleveland
Boone	Coker
Bridgers	Colson, Mrs.
Bundy	Deen
Carrington	Dickson of Bexar
Cato	Dove

Duckett	McGlasson
Dwyer	McLellan
Evans	McMurry
Ellis	McNamara
Eubank	Montgomery
Favors	Morgan
Ferguson	Morris
Fitzgerald	Morse
Fuchs	Phillips
Goodman	Reed of Dallas
Hileman	Ridgeway
Hoyo	Rhodes
Huddleston	Roberts
Hughes	Senterfitt
Humphrey	Shell
Hutchinson	Simpson
Jones	Skiles
Kelly	Smith of Bastrop
Kinard	Spacek
Klingeman	Stanford
Lehman	Stinson
Leyendecker	Taylor
Lock	Voigt
Love	Wattner
Lowry	Weatherford
Lyle	Whitesides
McAlister	Winfree
McDonald	

Nays—39

Avant	Henderson
Bailey	Howington
Baker	Kennedy
Bray	Knight
Brown	Lansberry
Bullock	Lucas
Burkett	Markle
Blankenship	Martin
Craig	Matthews
Crossley	Murray
Daniel	Parker
Dickson of Nolan	Price
Donald	Rampy
Gandy	Reed of Bowie
Hanna	Smith of Atascosa
Hardeman	Stubbs
Hargis	Thornton
Harris of Hill	Walters
Hartzog	White
Heflin	

Absent

Bean	Hobbs
Brawner	Huffman
Carlton	Isaacks
Clark	Manford
Crosthwait	Pevehouse
Davis	Sharpe
Files	Spangler
Garland	Turner

Absent—Excused

Allen	Little
Benton	McCann
Bruhl	Manning
Burnaman	Mills
Connelly	Moore
Gilmer	Nicholson
Halsey	Pace
Helpinstill	Roark
Howard	Sallas
Kersey	Vale
King	

Mr. Bell moved to reconsider the vote by which the report was adopted, and to table the motion to reconsider.

The motion to table prevailed.

ADOPTION OF CONFERENCE
COMMITTEE REPORT ON
HOUSE BILL NO. 1061

Mr. Ridgeway submitted the following Conference Committee report on House Bill No. 1061:

Austin, Texas.

Hon. Coke R. Stevenson, President of the Senate;

Hon. Homer Leonard, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the Senate and the House on House Bill No. 1061, have had the same under consideration, and beg leave to report it back to the Senate and House with the recommendation that said bill be adopted in the form attached hereto.

Respectfully submitted,

VAN ZANDT,
VICK,
KELLEY,
STONE,
LEMENS,

On the part of the Senate.

RIDGEWAY,
BROWN,
HOYO,
McGLASSON,
STINSON,

On the part of the House.

Conference Committee substitute for House Bill No. 1061:

A BILL

To Be Entitled

An Act to amend Section One of Sen-

ate Bill No. 41, Acts of the Forty-second Legislature, Regular Session, approved May 5, 1931, being an Act defining Group Life Insurance; providing that no policy of Group Life Insurance shall be issued or delivered unless and until a copy of the form thereof has been filed with the Life Insurance Commissioner and formally approved by him, stipulating the provisions which must be contained in such policy; providing the manner of paying the proceeds of any such insurance; providing the method of computing the reserves on such policies; prohibiting the issuance of any contract of Life Insurance covering a group except as provided by the provisions of the Act; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Section One of Senate Bill No. 41, Acts of the Forty-second Legislature, Regular Session, approved May 5, 1931, being an Act defining Group Life Insurance be, and the same is hereby amended so that the same as so amended, shall hereafter read as follows:

"Section 1. The following forms of life insurance are hereby declared to be Group Life Insurance within the meaning of this Act:

"(1) Life insurance covering not less than twenty-five employees written under a policy issued to the employer, the premium for which is to be paid by the employer or by the employer and employees jointly and insuring all of his employees, or all of any class or classes thereof determined by conditions pertaining to the employment, for amounts of insurance based upon some plan which will preclude individual selection, and for the benefit of persons other than the employer; provided, however, that when the premium is to be paid by the employer and employees jointly and the benefits of the policy are offered to all eligible employees, not less than seventy-five per centum of such employees may be so insured.

"(2) Life insurance covering the members of any labor union who are actively engaged in the same occupa-

tion written under a policy issued to such labor union, which shall be deemed to be an employer and the members of which shall be deemed to be employees of such union within the meaning of this Act.

"(3) Life insurance covering only the lives of all members of a group of persons for not more than \$10,000 on any one life, numbering not less than one hundred new entrants to the group yearly, who become borrowers from one financial institution, or who become purchasers of securities, merchandise, or other property from one vendor under agreement to repay the sum borrowed, or to pay the balance of the price of the securities, merchandise, or other property purchased in installments over a period of not more than ten years to the extent of their indebtedness to said financial institution or vendor, but not to exceed \$10,000 on any one life, written under a policy which may be issued upon the application of and made payable to the financial institution or vendor or other creditor to whom such vendor may have transferred title to the indebtedness as beneficiary, the premium on such policy to be payable by the financial institution, vendor, or other creditor. Provided, that group life insurance issued under this classification shall not include annuities or endowment insurance. The requirements set out in Subsection Four (4) of Section Two (2) of this Act shall not apply to this subsection."

Sec. 2. The fact that the law as now in force prevents many Texas companies from competing with out-of-State insurance companies and thereby is causing a hardship to said Texas companies, creates an emergency and an imperative public necessity authorizing the suspension of the Constitutional Rule requiring bills to be read on three several days be, and the same is hereby suspended, and that this Act shall take effect from and after its passage, and it is so enacted.

On motion of Mr. Ridgeway, the report was adopted by the following vote:

Yeas—108

Allison

Alsup

Avant
Bailey
Baker
Blankenship
Boone
Bray
Bridgers
Brown
Bullock
Burkett
Carrington
Cato
Celaya
Chambers
Clark
Cleveland
Coker
Colson, Mrs.
Craig
Crossley
Daniel
Deen
Dickson of Bexar
Dickson of Nolan
Donald
Dove
Duckett
Dwyer
Evans
Ellis
Eubank
Favors
Ferguson
Fitzgerald
Fuchs
Gandy
Garland
Goodman
Hanna
Hardeman
Hargis
Harris of Hill
Hartzog
Heflin
Henderson
Hileman
Helpinstill
Howington
Hoyo
Huddleston
Hughes
Humphrey
Hutchinson

Isaacks
Jones
Kelly
Kennedy
Klingeman
Knight
Lansberry
Lehman
Leyendecker
Lock
Love
Lowry
Lucas
Lyle
McAlister
McDonald
McGlasson
McMurry
McNamara
Markle
Martin
Matthews
Montgomery
Morgan
Morris
Morse
Murray
Parker
Phillips
Price
Rampy
Reed of Bowie
Reed of Dallas
Ridgeway
Rhodes
Roberts
Senterfitt
Shell
Simpson
Skiles
Smith of Bastrop
Smith of Atascosa
Spacek
Stinson
Taylor
Thornton
Voigt
Walters
Wattner
Weatherford
White
Whitesides
Winfree

Absent

Bean
Bell
Brawner
Bundy
Carlton
Crosthwait
Davis

Files
Hobbs
Huffman
Kinard
McLellan
Manford
Pevehouse

Sharpe
Spangler
Stanford

Stubbs
Turner

Absent—Excused

Allen	Little
Benton	McCann
Bruhl	Manning
Burnaman	Mills
Connelly	Moore
Gilmer	Nicholson
Halsey	Pace
Howard	Roark
Kersey	Sallas
King	Vale

(Speaker in the Chair.)

**RELATIVE TO CONFERENCE
COMMITTEE REPORT
ON HOUSE BILL
NO. 1082**

By unanimous consent of the House, Mr. Eubank was given permission to sign the Conference Committee Report on House Bill No. 1082.

MESSAGE FROM THE SENATE

Austin, Texas, June 26, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 280, Requesting the Governor to return House Bill No. 188 to the House of Representatives in order to add certain corrective amendments.

The Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 711.

The following have been appointed on the part of the Senate:

Senators Kelley, Stone, Formby, Brownlee and Mauritz.

Passed

H. B. No. 611, A bill to be entitled "An Act to amend and reenact Senate Bill No. 36, Acts Forty-sixth Legislature, Regular Session, creating a State Department of Public Welfare for the State of Texas, etc.; and declaring an emergency." (With amendments.)

The Senate has tabled House Con-

current Resolution No. 230, Granting a recess of the Legislature from June 27 to July 15, 1941 and adjournment sine die on July 18, 1941, by the following vote: Yeas, 11; nays 10: (Resolution attached.)

Adopted

H. C. R. No. 279, Granting each House permission to adjourn from Thursday, June 26, 1941, to Tuesday, July 1, 1941, at 10:00 o'clock.

S. C. R. No. 86, Sine die adjournment July 3.

The Senate has passed notwithstanding veto by the Governor, Senate Bill No. 5, A bill to be entitled "An Act granting and donating to each respective county of this State for a period of five (5) years one-half of the State ad valorem taxes for general revenue purposes not heretofore donated or appropriated, etc.; and declaring an emergency," by the following vote: Yeas, 18; nays, 7.

Adopted

H. C. R. No. 251, Authorizing certain corrections in House Bill No. 998.

H. C. R. No. 269, Instructing the Enrolling Clerk to make certain corrections in House Bill No. 524.

Passed

H. B. No. 626, A bill to be entitled "An Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, agreements, etc.; and declaring an emergency."

Adopted

S. R. No. 178, Requesting the House to return to the Senate, House Bill No. 1070 for further consideration.

Respectfully,

BOB BARKER,

Secretary of the Senate.

**HOUSE BILL NO. 611 WITH
SENATE AMENDMENTS**

Mr. Stubbs called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 611, A bill to be entitled "An Act to amend and reenact Sen-

ate Bill No. 36, Acts 46th Legislature, Regular Session, entitled: An Act creating a State Department of Public Welfare for the State of Texas; prescribing its rights, powers, functions, and duties; creating and providing for a State Board of Public Welfare; prescribing its rights, powers and duties; defining certain terms; providing for the administration of this Act; providing for payment of Old-Age Assistance; providing for assistance to needy blind persons, dependent and destitute children, and persons or families who are in dependent and needy circumstances; accepting for the State of Texas all of the provisions of the Federal Social Security Act, enacted by the Congress of the United States and approved March 14, 1935; transferring all the rights, powers and duties of the Division of Child Welfare of the State Board of Control to the State Department of Public Welfare, etc; and declaring an emergency."

Mr. Stubbs moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

HOUSE BILL NO. 1099 ON SECOND READING

Mr. Bell moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 1099 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

Allison	Bundy
Alsup	Burkett
Avant	Carlton
Bailey	Carrington
Baker	Cato
Bell	Celaya
Blankenship	Chambers
Brawner	Clark
Bray	Cleveland
Bridgers	Coker
Brown	Colson, Mrs.
Bullock	Crossley

Crosthwait	McAlister
Daniel	McDonald
Deen	McGlasson
Dickson of Bexar	McLellan
Dickson of Nolan	McMurry
Dove	McNamara
Duckett	Markle
Ellis	Martin
Evans	Matthews
Ferguson	Montgomery
Files	Morris
Fitzgerald	Morse
Fuchs	Murray
Gandy	Parker
Garland	Pevehouse
Goodman	Phillips
Hanna	Price
Hardeman	Rampy
Hargis	Reed of Bowie
Harris of Dallas	Reed of Dallas
Harris of Hill	Ridgeway
Hartzog	Rhodes
Hefin	Roberts
Henderson	Senterfitt
Hileman	Shell
Howington	Simpson
Hoyo	Skiles
Huddleston	Smith of Bastrop
Hughes	Smith of Atascosa
Humphrey	Spacek
Hutchinson	Stanford
Jones	Stinson
Kelly	Stubbs
Kennedy	Taylor
Kinard	Thornton
Klingeman	Turner
Knight	Voigt
Lansberry	Walters
Lehman	Wattner
Leyendecker	Weatherford
Lock	White
Love	Whitesides
Lucas	Winfree
Lyle	

Nays—1

Donald

Present—Not Voting

Favors

Absent

Bean	Hobbs
Boone	Huffman
Craig	Lowry
Davis	Manford
Dwyer	Morgan
Eubank	Spangler

Absent—Excused

Allen

Benton

Bruhl	McCann
Burnaman	Manning
Connelly	Mills
Gilmer	Moore
Halsey	Nicholson
Helpinstill	Pace
Howard	Roark
Isaacks	Sallas
Kersey	Sharpe
King	Vale
Little	

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 1099, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Bedding Division of the State Department of Health for the two-year period beginning September 1, 1941, and ending August 31, 1943, and for other purposes, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 1099 ON THIRD READING

The Speaker then laid House Bill No. 1099 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—111

Allison	Crosthwait
Alsup	Daniel
Avant	Deen
Bailey	Dickson of Bexar
Baker	Dickson of Nolan
Bell	Dove
Blankenship	Duckett
Brawner	Ellis
Bray	Evans
Bridgers	Ferguson
Brown	Files
Bullock	Fitzgerald
Bundy	Fuchs
Burkett	Gandy
Carlton	Garland
Carrington	Goodman
Cato	Hanna
Celaya	Hardeman
Chambers	Hargis
Clark	Harris of Dallas
Cleveland	Harris of Hill
Coker	Hartzog
Colson, Mrs.	Heflin
Crossley	Henderson

Hileman	Murray
Howington	Parker
Hoyo	Pevehouse
Huddleston	Phillips
Hughes	Price
Humphrey	Rampy
Hutchinson	Reed of Bowie
Jones	Reed of Dallas
Kelly	Ridgeway
Kennedy	Rhodes
Kinard	Roberts
Klingeman	Senterfitt
Knight	Shell
Lansberry	Simpson
Lehman	Skiles
Leyendecker	Smith of Bastrop
Lock	Smith of Atascosa
Love	Spacek
Lucas	Stanford
Lyle	Stinson
McAlister	Stubbs
McDonald	Taylor
McGlasson	Thornton
McLellan	Turner
McMurry	Voigt
McNamara	Walters
Markle	Wattner
Martin	Weatherford
Matthews	White
Montgomery	Whitesides
Morris	Winfree
Morse	

Nays—1

Donald

Present—Not Voting

Favors

Absent

Bean	Hobbs
Boone	Huffman
Craig	Lowry
Davis	Manford
Dwyer	Morgan
Eubank	Spangler

Absent—Excused

Allen	Little
Benton	McCann
Bruhl	Manning
Burnaman	Mills
Connelly	Moore
Gilmer	Nicholson
Halsey	Pace
Helpinstill	Roark
Howard	Sallas
Isaacks	Sharpe
Kersey	Vale
King	

SENATE BILL NO. 464 ON
SECOND READING

(By unanimous consent)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 464, A bill to be entitled "An Act amending Article 4549, Chapter 9 of Title 71 of the Revised Civil Statutes of the State of Texas as amended, etc.; and declaring an emergency."

The bill was read second time.

Mr. Bailey offered the following amendments to the bill:

Amend Senate Bill No. 464 by striking out the words "District Court of Travis County" in Section 1, subsection (a) in the second paragraph of said subsection (a) on page 2 of the mimeographed copy by substituting in lieu thereof the following:

"District Court of the county of the residence of the person or persons whose license shall have been so revoked or suspended."

Amend second paragraph of subsection (a), Section 1, page 4, by adding after the word "Court" and before the word "shall" in the last sentence of said second paragraph of said subsection the words "or jury" wherever the same may appear in said sentence and further amend said subsection (a), page 4, by adding the following words after the word "Board" and before the word "from" in the last sentence: "Provided, however, that the person or persons whose license shall have been so revoked or suspended may waive the impaneling of a jury."

The amendments were severally adopted.

Senate Bill No. 464 was then passed to third reading.

SENATE BILL NO. 464 ON
THIRD READING

Mr. Hardeman moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that Senate Bill No. 464 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

Allison	Jones
Alsup	Kelly
Avant	Kennedy
Bailey	Kinard
Baker	Klingeman
Bell	Knight
Blankenship	Lansberry
Brawner	Lehman
Bray	Leyendecker
Bridgers	Lock
Brown	Love
Bullock	Lucas
Bundy	Lyle
Burkett	McAlister
Carlton	McDonald
Carrington	McGlasson
Cato	McLellan
Celaya	McMurry
Chambers	McNamara
Clark	Markle
Cleveland	Martin
Coker	Matthews
Colson, Mrs.	Montgomery
Crossley	Morris
Crosthwait	Morse
Daniel	Murray
Deen	Parker
Dickson of Bexar	Pevehouse
Dickson of Nolan	Phillips
Dove	Price
Duckett	Rampy
Ellis	Reed of Bowie
Evans	Reed of Dallas
Ferguson	Ridgeway
Files	Rhodes
Fitzgerald	Roberts
Fuchs	Senterfitt
Gandy	Shell
Garland	Simpson
Goodman	Skiles
Hanna	Smith of Bastrop
Hardeman	Smith of Atascosa
Hargis	Spacek
Harris of Dallas	Stanford
Harris of Hill	Stinson
Hartzog	Stubbs
Heflin	Taylor
Henderson	Thornton
Hileman	Turner
Howington	Voigt
Hoyo	Walters
Huddleston	Wattner
Hughes	Weatherford
Humphrey	White
Hutchinson	Whitesides
	Winfree

Nays—2

Donald

Lowry

Present—Not Voting

Favors

Absent

Bean	Hobbs
Boone	Huffman
Craig	Manford
Davis	Morgan
Dwyer	Spangler
Eubank	

Absent—Excused

Allen	Little
Benton	McCann
Bruhl	Manning
Burnaman	Mills
Connelly	Moore
Gilmer	Nicholson
Halsey	Pace
Helpinstill	Roark
Howard	Sallas
Isaacks	Sharpe
Kersey	Vale
King	

The Speaker then laid Senate Bill No. 464 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—111

Allison	Dickson of Nolan
Alsup	Dove
Avant	Duckett
Bailey	Ellis
Baker	Evans
Bell	Ferguson
Blankenship	Files
Brawner	Fitzgerald
Bray	Fuchs
Bridgers	Gandy
Brown	Garland
Bullock	Goodman
Bundy	Hanna
Burkett	Hardeman
Carlton	Hargis
Carrington	Harris of Dallas
Cato	Harris of Hill
Celaya	Hartzog
Chambers	Hefin
Clark	Henderson
Cleveland	Hileman
Coker	Howington
Colson, Mrs.	Hoyo
Crossley	Huddleston
Crosthwait	Hughes
Daniel	Humphrey
Deen	Hutchinson
Dickson of Bexar	Jones
	Kelly

Kennedy

Kinard

Klingeman

Knight

Lansberry

Lehman

Leyendecker

Lock

Love

Lucas

Lyle

McAlister

McDonald

McGlasson

McLellan

McMurry

McNamara

Markle

Martin

Matthews

Montgomery

Morris

Morse

Murray

Parker

Pevehouse

Phillips

Price

Rampy

Reed of Bowie

Reed of Dallas

Ridgeway

Rhodes

Roberts

Senterfitt

Shell

Simpson

Skiles

Smith of Bastrop

Smith of Atascosa

Spacek

Stanford

Stinson

Stubbs

Taylor

Thornton

Turner

Voigt

Walters

Wattner

Weatherford

White

Whitesides

Winfree

Nays—1

Donald

Present—Not Voting

Favors

Absent

Bean	Hobbs
Boone	Huffman
Craig	Lowry
Davis	Manford
Dwyer	Morgan
Eubank	Spangler

Absent—Excused

Allen	Little
Benton	McCann
Bruhl	Manning
Burnaman	Mills
Connelly	Moore
Gilmer	Nicholson
Halsey	Pace
Helpinstill	Roark
Howard	Sallas
Isaacks	Sharpe
Kersey	Vale
King	

SENATE BILL NO. 416 ON
SECOND READING

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 416, A bill to be entitled "An Act to amend Section 7, Article 3266, of the Revised Civil Statutes of 1925, so as to provide for the recording of the decision of commissioners in eminent domain proceedings in the minutes of the County Court, and repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time and was passed to third reading.

SENATE BILL NO. 416 ON THIRD READING

Mr. Hargis moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 416 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

Allison	Fitzgerald
Alsup	Fuchs
Avant	Gandy
Bailey	Garland
Baker	Goodman
Bell	Hanna
Blankenship	Hardeman
Brawner	Hargis
Bray	Harris of Dallas
Bridgers	Harris of Hill
Brown	Hartzog
Bullock	Heflin
Bundy	Henderson
Burkett	Hileman
Carlton	Howington
Carrington	Hoyo
Cato	Huddleston
Celaya	Hughes
Chambers	Humphrey
Clark	Hutchinson
Cleveland	Jones
Coker	Kelly
Colson, Mrs.	Kennedy
Crossley	Kinard
Crosthwait	Klingeman
Daniel	Knight
Deen	Lansberry
Dickson of Bexar	Lehman
Dickson of Nolan	Leyendecker
Dove	Lock
Duckett	Love
Ellis	Lucas
Evans	Lyle
Ferguson	McAlister
Files	McDonald
	McGlasson

McLellan	Senterfitt
McMurry	Shell
McNamara	Simpson
Markle	Skiles
Martin	Smith of Bastrop
Matthews	Smith of Atascosa
Montgomery	Spacek
Morris	Stanford
Morse	Stinson
Murray	Stubbs
Parker	Taylor
Pevehouse	Thornton
Phillips	Turner
Price	Voigt
Rampy	Walters
Reed of Bowie	Wattner
Reed of Dallas	Weatherford
Ridgeway	White
Rhodes	Whitesides
Roberts	Winfree

Nays—1

Donald

Present—Not Voting

Favors

Absent

Bean	Hobbs
Boone	Huffman
Craig	Lowry
Davis	Manford
Dwyer	Morgan
Eubank	Spangler

Absent—Excused

Allen	Little
Benton	McCann
Bruhl	Manning
Burnaman	Mills
Connolly	Moore
Gilmer	Nicholson
Halsey	Pace
Helpinstill	Roark
Howard	Sallas
Isaacks	Sharpe
Kersey	Vale
King	

The Speaker then laid Senate Bill No. 416 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—111

Allison	Blankenship
Alsup	Brawner
Avant	Bray
Bailey	Bridgers
Baker	Brown
Bell	Bullock

Bundy	Lansberry
Burkett	Lehman
Carlton	Leyendecker
Carrington	Lock
Cato	Love
Celaya	Lucas
Chambers	Lyle
Clark	McAlister
Cleveland	McDonald
Coker	McGlasson
Colson, Mrs.	McLellan
Crossley	McMurry
Crosthwait	McNamara
Daniel	Markle
Deen	Martin
Dickson of Bexar	Matthews
Dickson of Nolan	Montgomery
Dove	Morris
Duckett	Morse
Ellis	Murray
Evans	Parker
Ferguson	Pevehouse
Files	Phillips
Fitzgerald	Price
Fuchs	Rampy
Gandy	Reed of Bowie
Garland	Reed of Dallas
Goodman	Ridgeway
Hanna	Rhodes
Hardeman	Roberts
Hargis	Senterfitt
Harris of Dallas	Shell
Harris of Hill	Simpson
Hartzog	Skiles
Heflin	Smith of Bastrop
Henderson	Smith of Atascosa
Hileman	Spacek
Howington	Stanford
Hoyo	Stinson
Huddleston	Stubbs
Hughes	Taylor
Humphrey	Thornton
Hutchinson	Turner
Jones	Voigt
Kelly	Walters
Kennedy	Wattner
Kinard	Weatherford
Klingeman	White
Knight	Whitesides
	Winfree

Nays—1

Donald

Present—Not Voting

Favors

Absent

Bean	Eubank
Boone	Hobbs
Craig	Huffman
Davis	Lowry
Dwyer	Manford

Morgan	Spangler
--------	----------

Absent—Excused

Allen	Little
Benton	McCann
Bruhl	Manning
Burnaman	Mills
Connelly	Moore
Gilmer	Nicholson
Halsey	Pace
Helpinstill	Roark
Howard	Sallas
Isaacks	Sharpe
Kersey	Vale
King	

RELATIVE TO HOUSE BILL NO. 1070

On motion of Mr. Wattner the House granted the request of the Senate for the return of House Bill No. 1070.

RELATIVE TO THE MAILING OF PENSION CHECKS

Mr. Simpson offered the following resolution:

H. S. R. No. 362, Relative to the mailing of pension checks.

Whereas, Several complaints have come to the attention of the committee appointed by the House to investigate the Old Age Assistance Division of the Department of Public Welfare with reference to the time pensioners received their checks each month; and

Whereas, Most of the old people who receive this assistance have no other means of income to meet their necessities of life; and

Whereas, Most of these old people have bills which must be paid on the first of the month or lose the discount which they ordinarily would receive if they could pay their bills promptly; now, therefore, be it

Resolved, That the Old Age Assistance Division of the Department of Public Welfare be instructed to mail their checks out as quickly as possible in order that the old people may receive their checks on the first of each month.

SIMPSON,
STUBBS,
McMURRY,
SKILES,
BOONE,
DAVIS,

LOVE,
FAVORS,
CATO,
EVANS,
PHILLIPS,
McGLASSON,
SHARPE,
ISAACKS,
DANIEL,
DOVE,
GARLAND,
BUNDY,
WHITE,
PRICE,
MATTHEWS,
BAKER,
BURKETT,
BRAWNER,
McLELLAN,
SPACEK,
PARKER,
RAMPY,
EUBANK,
BAILEY,
ELLIS,
CLEVELAND,
BULLOCK,
VOIGT,
GOODMAN,
ALLISON,
HUMPHREY,
LOWRY,
HARGIS,
HILEMAN,
WEATHERFORD,
LOCK,
LANSBERRY,
JONES,
RIDGEWAY,
BROWN.

The resolution was read second time and was adopted.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

S. C. R. No. 82, Relative to State health funds for Texas.

H. C. R. No. 279, Providing for certain adjournment period.

H. C. R. No. 280, Recalling House Bill No. 188 from the Governor.

S. B. No. 486, "An Act amending Section 1, of Chapter 196, General Laws, 43rd Legislature, Regular Ses-

sion, by adding thereto a subsection to follow subsection (5), and to be known as subsection (6); etc., and declaring an emergency."

H. B. No. 1082, "An Act to amend House Bill No. 146, Acts of the 47th Legislature of Texas, authorizing the Commissioners Court in all counties in the State of Texas to appropriate from the General Fund not more than Five Cents (5¢) on the One Hundred (\$100) Dollars assessed valuation, for the purpose of advertising and promoting the growth and development of the counties; providing for an election authorizing such appropriation and creating and providing for the appointment of a Board of Development devoted to the growth, advertisement, and development of such counties; providing said appropriation to constitute a separate fund to be known as the Board of Development Fund; limiting the amount to be appropriated; prescribing certain duties for said Board; making the Act cumulative of other laws authorizing such counties to appropriate such money; and declaring an emergency."

H. B. No. 268, "An Act to provide for the establishment of a State Cancer Hospital for the treatment of cancer and allied diseases and shall be known as the Clyde F. Lingo Memorial Hospital for Cancer; and providing herein the Governor of the State of Texas shall appoint a Cancer Commission of three (3) citizens of the State and their appointments shall be four (4) years; and providing herein for the appointment of an Administrator and a staff to conduct said Cancer Hospital; and their appointments shall be for four (4) years; and providing herein for the appointment of an Advisory Board of nine (9) citizens consisting of one attorney, one civil engineer, one ordained minister, one business manager and five (5) physicians; etc."

S. B. No. 500, "An Act amending Chapter 82 of the Acts of the 41st Legislature at its Regular Session entitled "An Act granting to cities located in any county in this State of less than one hundred thousand inhabitants according to the last United States census, etc., the right to execute leases not to exceed a period of ninety-nine years on is-

lands; etc., and declaring an emergency."

**SENATE BILL NO. 183 ON
THIRD READING**

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 183, A bill to be entitled "An Act declaring the floods of Colorado County, Texas, to be a public calamity, etc., and declaring an emergency."

The bill was read third time.

Mr. Harris of Dallas moved that Senate Bill No. 183 be tabled.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—54

Allison	Hughes
Alsup	Isaacks
Baker	Jones
Blankenship	Kennedy
Brawner	Knight
Bray	Lansberry
Bridgers	Lehman
Bullock	McGlasson
Bundy	Martin
Burkett	Matthews
Carlton	Morgan
Cleveland	Morris
Crossley	Murray
Davis	Parker
Dickson of Nolan	Price
Ellis	Reed of Bowie
Eubank	Reed of Dallas
Ferguson	Ridgeway
Files	Rhodes
Fuchs	Roberts
Gandy	Senterfitt
Garland	Skiles
Hanna	Stinson
Harris of Dallas	Voigt
Harris of Hill	Walters
Henderson	Wattner
Howington	Weatherford

Nays—55

Avant	Chambers
Bell	Coker
Boone	Colson, Mrs.
Brown	Craig
Carrington	Daniel
Cato	Deen
Celaya	Dickson of Bexar

Donald	Lyle
Dove	McAlister
Duckett	McLellan
Dwyer	McMurry
Favors	Markle
Goodman	Montgomery
Hardeman	Pace
Hargis	Phillips
Hartzog	Rampy
Heflin	Sharpe
Hileman	Shell
Hoyo	Simpson
Huddleston	Smith of Bastrop
Humphrey	Smith of Atascosa
Hutchinson	Spacek
Kelly	Taylor
Klingeman	Thornton
Lock	White
Love	Whitesides
Lowry	Winfree
Lucas	

Absent

Bailey	McDonald
Bean	McNamara
Clark	Manford
Crosthwait	Morse
Evans	Pevehouse
Fitzgerald	Spangler
Hobbs	Stanford
Huffman	Stubbs
Kinard	Turner
Leyendecker	

Absent—Excused

Allen	King
Benton	Little
Bruhl	McCann
Burnaman	Manning
Connelly	Mills
Gilmer	Moore
Halsey	Nicholson
Helpinstill	Roark
Howard	Sallas
Kersey	Vale

Question recurring on the passage of Senate Bill No. 183, yeas and nays were demanded.

The roll of the House was called and the vote announced as follows: Yeas 52; Nays 54.

A verification of the vote was requested.

Mr. Bailey moved to dispense with the verification.

Question recurring on the motion by Mr. Bailey, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—53

Allison	Knight
Avant	Lansberry
Bailey	Lehman
Baker	McDonald
Blankenship	McGlasson
Brawner	McMurry
Bray	Martin
Bridgers	Matthews
Bullock	Morgan
Bundy	Morris
Burkett	Murray
Carlton	Parker
Cleveland	Price
Crossley	Reed of Bowie
Ellis	Reed of Dallas
Eubank	Ridgeway
Ferguson	Roberts
Files	Senterfitt
Gandy	Sharpe
Garland	Skiles
Hanna	Smith of Bastrop
Harris of Dallas	Smith of Atascosa
Harris of Hill	Stinson
Henderson	Voigt
Howington	Wattner
Hughes	Weatherford
Kennedy	

Nays—54

Alsup	Huddleston
Bell	Humphrey
Boone	Hutchinson
Brown	Jones
Carrington	Kelly
Cato	Kinard
Celaya	Klingeman
Chambers	Lock
Coker	Love
Craig	Lowry
Daniel	Lucas
Davis	Lyle
Deen	McLellan
Dickson of Bexar	Markle
Dove	Montgomery
Duckett	Morse
Evans	Phillips
Favors	Rampy
Fitzgerald	Rhodes
Fuchs	Simpson
Goodman	Spacek
Hardeman	Stanford
Hargis	Stubbs
Hartzog	Taylor
Heflin	Walters
Hileman	White
Hoyo	Winfree

Absent

Bean	Leyendecker
Clark	McAlister
Colson, Mrs.	McNamara
Crosthwait	Manford
Dickson of Nolan	Pevehouse
Donald	Shell
Dwyer	Spangler
Hobbs	Thornton
Huffman	Turner
Isaacks	Whitesides

Absent—Excused

Allen	Little
Benton	McCann
Bruhl	Manning
Burnaman	Mills
Connelly	Moore
Gilmer	Nicholson
Halsey	Pace
Helpinstill	Roark
Howard	Sallas
Kersey	Vale
King	

The roll of the "yeas" and "nays" was again called and the verified vote resulted as follows:

Yeas—45

Avant	Hutchinson
Bell	Kelly
Boone	Lock
Brown	Love
Carrington	Lowry
Cato	Lucas
Celaya	Lyle
Chambers	McAlister
Colson, Mrs.	McDonald
Daniel	McLellan
Dickson of Bexar	Markle
Dove	Montgomery
Duckett	Morse
Evans	Phillips
Favors	Rampy
Fuchs	Sharpe
Goodman	Simpson
Hargis	Smith of Bastrop
Hartzog	Spacek
Heflin	Taylor
Hileman	White
Hoyo	Winfree
Huddleston	

Nays—53

Allison	Bridgers
Bailey	Bullock
Baker	Bundy
Brawner	Burkett
Bray	Carlton

Cleveland	Lehman
Craig	Martin
Crossley	Matthews
Davis	Morgan
Ellis	Morris
Eubank	Murray
Ferguson	Parker
Files	Price
Gandy	Reed of Bowie
Garland	Reed of Dallas
Hanna	Ridgeway
Harris of Dallas	Roberts
Harris of Hill	Senterfitt
Henderson	Skiles
Howington	Smith of Atascosa
Hughes	Stanford
Isaacks	Stinson
Jones	Stubbs
Kennedy	Voigt
Klingeman	Wattner
Knight	Weatherford
Lansberry	

Present—Not Voting

Alsup

Absent

Bean	Leyendecker
Blankenship	McGlasson
Clark	McMurry
Coker	McNamara
Crosthwait	Manford
Deen	Moore
Dickson of Nolan	Pevehouse
Donald	Rhodes
Dwyer	Shell
Fitzgerald	Spangler
Hardeman	Thornton
Hobbs	Turner
Huffman	Walters
Humphrey	Whitesides
Kinard	

Absent—Excused

Allen	King
Benton	Little
Bruhl	Manning
Burnaman	McCann
Connelly	Mills
Gilmer	Nicholson
Halsey	Pace
Helpinstill	Roark
Howard	Sallas
Kersey	Vale

The Speaker announced that Senate Bill No. 183 failed to pass by the above vote.

ADJOURNMENT

Mr. Lyle moved that the House adjourn until 10:00 o'clock a. m. next Tuesday, July 1.

Mr. Ferguson moved that the House adjourn until 10:00 o'clock a. m. next Monday, June 30.

The motion of Mr. Ferguson prevailed and the House accordingly, at 12:45 o'clock p. m., adjourned until 10:00 a. m. next Monday, June 30.

APPENDIX

STANDING COMMITTEE REPORTS

The Committee on Appropriations filed a favorable report on House Bills Nos. 1095, 1097 and 1099.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, June 24, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 278, Authorizing Board of Control to change item 28, page 3737 of the House Journal.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 24, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 230, Providing for a recess of the Legislature from June 27, 1941, to July 15, 1941, and adjournment sine die on July 18, 1941.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 280, Requesting the Governor to return House Bill No. 188 to the House of Representatives

in order to add certain corrective amendments.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 279, Granting each House permission to adjourn from Thursday, June 26th, to Tuesday, July 1st.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 275, Authorizing certain change in Conference Report on S. B. No. 272.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 274, Appropriating \$1500 from the Contingent Expense Funds for the use of the Advisory Legislative Committee authorized by the Rural Aid Bill.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 276, Authorizing the Highway Department to lend certain guard wire to the School District of the City of Prosper.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, June 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 280, Requesting the Governor to return H. B. No. 188 to the House in order to add certain corrective amendments.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, June 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 279, Granting each House permission to adjourn from Thursday, June 26, 1941, to Tuesday, July 1, 1941, at 10:00 o'clock a. m.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, June 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 268, "An Act to provide for the establishment of a State Cancer Hospital and the Division of Cancer Research, the location, control, and management to be under the supervision of The University of Texas; providing for the selection of a superintendent and prescribing his qualifications and duties; providing for employment of a medical staff by the Board of Regents on recommendation of the superintendent and for their discharge; providing for other employees; providing for establishment and maintenance from time to time of substations; providing for conformity of institutions and substations to standards of American

College of Surgeons and the American Medical Association; providing purpose for which institutions and substations are established; providing that the provisions of House Bill No. 326, Chapter 152, Acts of the Regular Session of the Forty-fifth Legislature, in so far as the same are not in conflict with other provisions set out herein, shall govern and control with reference to the admittance of patients to such institutions and such substations, their support, and other matters relating thereto; providing certain information to be furnished by applicant; providing the superintendent may require such additional information as he may deem necessary; providing for statement of attending physicians to accompany application; providing for establishment of schedule of fees; appropriating Five Hundred Thousand Dollars (\$500,000) for location, equipping, and establishing a Cancer Research Laboratory and Hospital; appropriating Two Hundred and Fifty Thousand Dollars (\$250,000) for building and equipment; providing for the expenditure of the remainder of the amount appropriated for the biennium beginning September 1, 1941, authorizing the acceptance of gifts or grants of money; providing a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, June 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 242, Requesting officials of the State of Texas and the President of the United States to use all of their efforts to make available to South Texas during the cotton picking season from 5,000 to 7,000 common laborers.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, June 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 166, "An Act amending Article 4556, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended, and Articles 4557, 4558, 4559, 4561, 4562, 4563, 4564, 4565, 4565-a, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended, and amending Chapter 5, Title 12 of the Penal Code of Texas, by amending Article 736 so as to provide for a State Board of Examiners in Optometry; providing for qualifications for and method of filling vacancies on said Board; providing for election of officers and meetings of the Board; prescribing powers and duties of the Board; requiring all persons desiring to practice optometry in Texas to pass an examination; requiring all persons to record optometry licenses; providing subjects for and method of giving examination; providing grounds for refusal of and cancellation of licenses; prescribing examination fee and renewal fee and method of obtaining duplicate licenses; defining terms; specifying acts constituting penal offenses and providing penalty therefor; repealing Article 4566-1, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended; repealing all laws and parts of laws in conflict with this Act and declaring that the remainder of the Act shall not be affected by the unconstitutionality or any part thereof, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, June 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1082, "An Act to amend House Bill No. 146, Acts of the Forty-seventh Legislature of Texas, authorizing the Commissioners Court in all counties in the State of Texas to appropriate from the General Fund not more than five (5) cents on the one hundred dollars assessed valuation, for the purpose of advertising and

promoting the growth and development of the counties; and providing for an election authorizing such appropriation and creating and providing for the appointment of a Board of Development devoted to the growth, advertisement, and development of such counties; providing said appropriation to constitute a separate fund to be known as the Board of Development Fund; limiting the amount to be appropriated; prescribing certain duties for said Board; making the Act cumulative of other laws authorizing such counties to appropriate such money; validating sums appropriated or expended for such purposes under previous Acts; restricting the authority to levy the tax provided for herein to counties of more than one hundred thousand (100,000) population, according to the most recent United States Census; providing a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

SENT TO THE GOVERNOR

June 24, 1941

House Bill No. 678.

House Bill No. 670.

House Bill No. 1038.

House Bill No. 739.

House Bill No. 414.

House Bill No. 1085

House Bill No. 1091.

House Bill No. 845.

House Bill No. 161.

House Bill No. 1081.

House Bill No. 740.

House Bill No. 376.

House Bill No. 312.

House Concurrent Resolution No. No. 261.

House Concurrent Resolution No. No. 255.

House Concurrent Resolution No. No. 231.

House Concurrent Resolution No. No. 259.

June 26, 1941

House Bill No. 268.

House Bill No. 1082.

House Concurrent Resolution No. 242.

House Concurrent Resolution No. 280.

In Memory of
Walter Clifton Davis

Mr. McNamara offered the following resolution:

H. S. R. No. 353, In Memory of Walter Clifton Davis.

Whereas, A prominent citizen of McLennan County, and the father of one of our distinguished Members of the 47th Legislature, Walter Clifton Davis, father of Representative Gordon R. Davis, passed away on June 10, 1939, after a full and useful life; and

Whereas, Walter Clifton Davis was born in Waco, Texas, January 30, 1879, and lived there all of his life with the exception of nine years, where he was respected and loved by his many friends and associates who came to know him as a leader in the community and a prominent democrat; and

Whereas, He was the son of stalwart Texas pioneers, Judge Robert Walter Davis of Waco and Annie Lane Davis, formerly a teacher of Latin in Baylor University; and

Whereas, He is survived by many highly esteemed relatives who cherish and revere his memory and heritage, including his wife, Mrs. W. Clifton Davis of Waco; two sons, Walter Melvin Davis of Waco, and Gordon Reece Davis of Austin; three daughters, Mrs. Mack D. Smith, Mrs. J. H. Thorn, and Miss Itasca Davis of Waco; two sisters, Mrs. B. E. Clement, Sr., and Mrs. T. L. Smith; and an aunt, Mrs. Emma H. Townsend; and

Whereas, A life of such usefulness and distinction as this man lived deserves recognition; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That a copy of this resolution be spread upon a memorial page of the House Journal of today, in memory of and as a tribute to a worthy citizen who has lived a useful and constructive life, and be it further

Resolved in formal expression of our sorrow and sympathy, That under Seal of the House of Representatives, the Chief Clerk forward a copy of this resolution to the family of our deceased friend, and that House adjournment today be in silent respect to the memory of Honorable Walter Clifton Davis.

McNAMARA,
McGLASSON.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crosthwait, Daniel, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Evans, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Harde-man, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Help-instill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo,

Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McLellan, McMurry, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morris, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rappy, Reed of Bowie, Reed of Dallas, Ridgeway, Rhodes, Roark, Roberts, Sallas, Senterfitt, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

On the motion of Mr. Kelly the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.

In Memory of
J. D. Dowell

Mr. Carlton offered the following resolution:

H. S. R. No. 357, In Memory of J. D. Dowell.

Whereas, On June 24, 1941, the Honorable J. D. Dowell of Commerce, Texas, met an untimely death in an automobile accident; and

Whereas, His passing constitutes a severe loss to the community in which he lived and to the State of Texas; and

Whereas, He was a public spirited citizen and active in civic matters, being a member of the Shrine, a member of the Chamber of Commerce of Commerce, Texas, active vice-president of the First National Bank in Commerce, and a member of the Christian Church; and

Whereas, He is survived by his widow, two children, and his mother, father, and brother; and

Whereas, It is the desire of the House of Representatives to pay tribute to the life of this outstanding citizen of Commerce, Texas; now, therefore, be it

Resolved by the House of Representatives, That we express our deepest regrets upon the passing of Honorable J. D. Dowell and extend to his family and friends that measure of consolation of which humanity is possessed; and be it further

Resolved by the House of Representatives, That when the House adjourns today it do so in memory of J. D. Dowell, and that the Chief Clerk of the House be directed to forward copies of this resolution to Mrs. J. D. Dowell and to Mr. and Mrs. Cam Dowell under the seal of the House.

CARLTON,
MORRIS.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crothwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Evans, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Hardeman, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McMurphy, McNamara,

Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Ridgeway, Rhodes, Roark, Roberts, Sallas, Senterfitt, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

On the motion of Mr. Kelly the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.

In Memory of
Dr. J. D. Davidson, Sr.

Mr. Stubbs offered the following resolution:

H. S. R. No. 358, In Memory of Dr. J. D. Davidson, Sr.

Whereas, Another of Texas' great public servants, our beloved Dr. J. D. Davidson, Sr., has been called from his earthly labors to eternal rest; and

Whereas, Dr. Davidson was born and reared on a farm near Donie, Texas; he worked his way through Baylor Medical College, where he met his devoted wife and helpmate, Roberta Drewry Davidson, who helped him with his success in life, as she was a nurse and assisted him in his work for a number of years; and

Whereas, He moved to Teague sixteen years ago and became an active civic leader and he was selected as an outstanding citizen of Teague, served on the school board, was a 32-degree Mason, member of the Rotary Club, member of the local, State and National Medical Associations, a member of the Methodist Church and one of the organizers of the Boy Scout movement in Teague. He helped many churches, not only in Teague but elsewhere, and was a member of the board of Trustees of Westminster College at Tehuacana, Texas. He gave one of the buildings at this college in memory of his mother. He went all over Texas with the Stamps Quartet and sang with the different groups in his district. No matter of civic, educational or religious interest escaped him and he gave of his services as a surgeon and physician to all who could not pay, having the reputation for never having turned anyone down. The tributes of both white and colored when he was buried was mute evidence of this. He was, indeed, a living part of Central Texas; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That we acknowledge the loss of this outstanding public servant; and that a copy of this resolution be spread upon the pages of the House Journal to serve in some measure the acknowledgment of the debt Texas owes and the tribute Texas pays to a fine and true citizen and public official; and be it further

Resolved, That the Chief Clerk of the House of Representatives send the family of the deceased copies of this resolution under the Seal of the House; and that when the House of Representatives adjourns today that it do so in solemn tribute to a man whose name shall long live in the consciousness of this State and the affections of his friends and bereaved family.

STUBBS.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crosthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer,

Ellis, Eubank, Evans, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Hardeman, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McMurry, McNamara, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morris, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Ridgeway, Rhodes, Roark, Roberts, Sallas, Senterfitt, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

On the motion of Mr. Kelly, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.